

***United States Court of Appeals
for the Second Circuit***



APPENDIX

74-1550

74-1550

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NO. 74-1550

THE UNITED STATES OF AMERICA,

Plaintiff-Appellee,

-against-

CARMINE TRAMUNTI, et al.,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DEFENDANTS-APPELLANTS' JOINT APPENDIX
Vol. J(1) - Pages 1 to 267

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA

4 vs.

5 CARMINE TRAMUNTI, et al.,

6 Defendants.

-----X
:Before:

:HON. KEVIN T. DUFFY, D.J.,
: and a Jury

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: 73 CRIM. 1099
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:-----X

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9 New York, January 21, 22, 23, 24, 1974

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1 MP

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 UNITED STATES OF AMERICA :

6 versus :

73 Cr 1099

7 CARMINE TRAMUNTI et al., :

8 Defendants. :

9 -----X

10 New York, N. Y.

11 January 21, 1974 - 10:00 a.m.

12 Before

13 HON. KEVIN THOMAS DUFFY,

14 District Judge

15 APPEARANCES:

16 PAUL J. CURRAN, Esq.,
17 United States Attorney for the Southern District
18 of New York
19 and WALTER M. PHILLIPS, JR., Esq., and
20 THOMAS M. FORTUIN, Esq.,
21 Assistant United States Attorneys

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SOUTHERN DISTRICT COURT REPORTERS

UNITED STATES COURT HOUSE

FOLEY SQUARE, N.Y., N.Y. 10007 TELEPHONE: CORTLANDT 7-4580

1 MP
2 THE COURT: Good morning.

3 Certain informations have been presented to the
4 Court by the United States Attorney, along with certain
5 notices.

6 Mr. Curran, were copies of these informations and
7 notices delivered to the defendants involved?

8 MR. CURRAN: They have not been served, your
9 Honor.

10 THE COURT: The Clerk will see that they are
11 marked and filed.

12 I received this morning a notice of motion on be-
13 half of the defendant Carmine Tramunti, that I recuse myself
14 in this particular matter.

15 Do you have a copy of that motion, Mr. Siegal?

16 MR. SIEGAL: Yes, sir.

17 THE COURT: I will hear you on it. Please, Mr.
18 Siegal, use the lectern.

19 MR. SIEGAL: If your Honor please, this is a motion
20 on behalf of the defendant Carmine Tramunti for an order to
21 transfer the entire trial to another Judge or to sever us and
22 to transfer us to another Judge, and this motion is based
23 upon the fact that we understand that your Honor at the time
24 of the investigation and prosecution of the stock case was
25 the administrator, I believe, or the regional administrator

SEC and as such became familiar with various matters and back-
grounds concerning the defendant Mr. Tramunti, and we
believe, most respectfully, that that residue has to remain
in your mind when you are acting upon motions in this case,
and I therefore respectfully ask for a severance.

I believe it would be prejudicial to the interests
of the defendant Tramunti -- this is nothing personal at
all -- that your Honor sit in this case.

THE COURT: I don't consider it personal at all,
Mr. Siegal.

MR. SIEGAL: Thank you.

MR. CURRAN: Your Honor, Mr. Phillips will reply
for the Government.

THE COURT: Mr. Phillips, please speak into the
microphone. We have some folks here who would like to hear
you.

MR. PHILLIPS: Your Honor, I am informed by
another assistant United States Attorney, from our securities
fraud unit, that the particular case that Mr. Siegal makes
reference to was referred to our office by the Securities &
Exchange Commission at a time when Carmine Tramunti was not
under investigation. It was not until after the case was
referred to our office and we investigated it that Carmine
Tramunti in any way came into the picture with that case.

1
2 MR. SIEGAL: May I just add this, if your Honor
3 please --

4 THE COURT: Surely, Mr. Siegal.

5 MR. SIEGAL: It is my understanding, from information that I have received, that your Honor together with
6 United States Attorney, issued a joint press release concerning the indictment of Mr. Tramunti and others in this case
7 involving violations of the SEC regulations.

8
9 THE COURT: All right. Mr. Siegal, I am going to
10 rule against your motion. Let me explain why. Basically,
11 what you are worried about, apparently, is some residual findings
12 that I might have arising from that investigation.
13 Truthfully, I looked over the release which you attached as
14 Exhibit A, and I have no memory of it -- I had no memory of
15 it until you brought it to my attention.

16
17 I can say that I have a very bad memory. It did
18 happen at one point that somebody was citing a case to me,
19 reading from it, and I scratched my head and wondered who
20 had decided that, until they finally told me that I had.

21 So my memory as to residue or any prejudice for the
22 defendant is absolutely nil.

23 Under the circumstances, I don't feel it necessary
24 particularly at this late moment, to recuse myself. I consider
25 it, however, perfectly proper for you, even at this

moment, to bring this matter to my attention.

Is Mary Jane Elizabeth Salvani here in court?

MR. STOTSENBERG: Your Honor, she is here today.

THE COURT: Is it Miss or Mrs.?

MR. STOTSENBERG: It's Mrs, your Honor. Your Honor will recall that I called, indicating --

THE COURT: Mrs. Salvani, you were due here on the 14th for trial. Did you enjoy your trip to Mexico?

DEFENDANT SALVANI: Yes.

THE COURT: Did you advise your attorney that you would not be back until after the 14th?

DEFENDANT SALVANI: No.

THE COURT: When did you go? When did you leave here to go to Mexico?

DEFENDANT SALVANI: January 3rd.

THE COURT: January what?

DEFENDANT SALVANI: January 3rd.

THE COURT: All right. At that time, did you know that you were supposed to appear for an examination on January 7th?

DEFENDANT SALVANI: No.

THE COURT: All right. Let us mark the bench warrant satisfied.

Mr. Curran, at this point do you have a motion?

1
2 MR. CURRAN: Yes, your Honor. At this point, the
3 Government moves to sever Mary Jane Salvani, also known as
4 Liz in this indictment, from this trial.

5 THE COURT: I assume there is no objection.

6 MR. STOTSENBERG: No, sir.

7 THE COURT: All right. The motion to sever is
8 granted.

9 Is Mrs. Salvani on bail?

10 MR. STOTSENBERG: Your Honor, she is released on
11 her own recognizance.

12 THE COURT: All right. Mrs. Salvani, the next time
13 you are due in court, please remember to show up. You are
14 released in your own recognizance. You can leave now.

15 MR. CURRAN: Your Honor, I wonder if we might have
16 a roll call of the defendants.

17 THE COURT: We will do that now.

18 Mr. Clerk, will you call the roll of the defendant

19 THE CLERK: Carmine Tramunti.

20 DEFENDANT TRAMUNTI: Here.

21 THE CLERK: Louis Inglese.

22 DEFENDANT INGLESE: Here.

23 THE CLERK: Donato Christiano.

24 DEFENDANT CHRISTIANO: Here.

25 THE CLERK: Angelo Marone.

1
2 DEFENDANT MAMONE: Here.

3 THE CLERK: Joseph DiNapoli.

4 DEFENDANT DINAPOLI: Here.

5 THE CLERK: Frank Pugliese.

6 DEFENDANT PUGLIESE: Here.

7 THE CLERK: Joseph Ceriale.

8 DEFENDANT CERIALE: Here.

9 THE CLERK: John Gamba.

10 DEFENDANT GAMBA: Here.

11 THE CLERK: Vincent D'Amico.

12 DEFENDANT D'AMICO: Here.

13 THE CLERK: Dominick Lessa.

14 MR. SALKOW: He is not present. I have again
15 attempted to locate him but to no avail.

16 MR. CURRAN: Your Honor, at this point the Govern-
17 ment moves to forfeit the bail of Dominick Lessa.

18 THE COURT: All right. The motion is granted.

19 MR. SALKOW: Will your Honor consider a motion to
20 sever the defendant Lessa?

21 THE COURT: I will consider it, but not now.

22 THE CLERK: Benjamin Tolopka.

23 DEFENDANT TOLOPKA: Here.

24 THE CLERK: Joseph Marchese. Joseph Marchese.

25 THE COURT: Mr. Curley, do you know where Mr.

Marchese is?

MR. CURLEY: Yes, your Honor. He is on his way. called this morning to advise me that he had fallen on some ice and wished a postponement. I told him that was impossible.

THE COURT: You were right.

MR. CURLEY: And I told him to arrive as soon as possible. I expect him here in about fifteen or twenty minutes.

THE CLERK: Frank Russo.

DEFENDANT RUSSO: Here.

THE CLERK: Warran C. Robinson.

DEFENDANT ROBINSON: Here.

THE CLERK: Al Greene.

DEFENDANT GREENE: Here.

THE CLERK: William Alonzo.

DEFENDANT ALONZO: Here.

THE CLERK: Harrie Ware.

MR. PANZER: Your Honor, Mrs. Ware is not here. I spoke to her on Wednesday and told her of the change of the trial date and told her to be here at 9:45. She was late last time. I expect she will be here, although I can't be --

THE COURT: We will see what happens before we pick the jury.

1 THE CLERK: John Springer.

2 DEFENDANT SPRINGER: Here.

3 THE CLERK: Henry Salley.

4 DEFENDANT SALLEY: Here.

5 THE COURT: One thing prior to the start of the
6 selection of the jury. Does anyone object to the manner of
7 the challenges, which I gave you? In other words, I gave
8 extra challenges rather than the statutory ones. Does anyone
9 have any objection?
10

11 Let the record note that there is no response
12 whatsoever.

13 MR. RICHMAN: If the Court please, at the close of
14 the day on Tuesday, I made a motion for a severance based on
15 peculiar circumstances that I find myself in vis-a-vis this
16 entire case, especially in view of the fact that your Honor
17 has ruled in favor of the admission of this money.

18 THE COURT: I believe the motion has been denied,
19 but I did not file an order to that effect. I am sorry.

20 Mr. Lopez?

21 MR. LOPEZ: Your Honor has denied the motion to
22 suppress as far as the money is concerned. I believe de-
23 fense counsel are advised of that. The next issue before we
24 get to this is the issue of relevance.

25 THE COURT: Absolutely. That issue was not

determined. I want that absolutely clear.

MR. LOPEZ: Your Honor, I received this morning as I am sure co-counsel have received, a trial memorandum from the Government --

THE COURT: You know, you are lucky, Mr. Lopez, because I haven't received it yet.

MR. PHILLIPS: Your Honor, may I hand up the original at this time.

THE COURT: All right. Go ahead.

MR. LOPEZ: My application as far as that is concerned is that the defense be given until tomorrow morning to provide the Court with their own memorandums in connection with the various points that are raised here, and in the interim we would respectfully ask the Court to advise the United States Attorney -- I don't think they will have a chance to speak with the jury, but to make no reference to any of the points that are still to be determined as far as relevancy is concerned, in the presence of the jury.

THE COURT: To be very practical, I don't think will get to that point.

MR. LOPEZ: We also have, your Honor -- I will make it in behalf of all the defendants -- certain information and certain exhibits that we might turn over to Court in connection with pre-trial publicity. Does your

Honor want to hear the application now or do you want to wait?

THE COURT: No. As I indicated to you last week, I am holding the entire pool of jurors to see whether we can get a jury here. If you could hold that --

MR. LOPEZ: All right. We will hold that until that time.

MR. SALKOW: Your Honor, may I have a ruling on behalf of the defendant Lessa? I would like to be excused. I don't want to be tied up here for the next several --

THE COURT: I don't blame you.

MR. SALKOW: -- months.

THE COURT: It won't be the next several months.

MR. CURRAN: Your Honor, with respect to the application on behalf of the defendant Lessa, the Government has no objection.

THE COURT: All right, Mr. Salkow, you may go home.

MR. SUNDEN: Your Honor, may I inquire whether any of the gentlemen seated at the prosecution table are agents who it is anticipated may testify?

THE COURT: I don't know. Go ahead, Mr. Curran.

MR. CURRAN: The answer, sir, is no.

THE COURT: By the way, sequester all witnesses. I don't want them in this courtroom until the time they

testify.

MR. SEGAL: Your Honor, I have a request for the voir dire, which I would like to pass up to the Court.

THE COURT: All right. Let me see it.

MR. LOPEZ: Your Honor, I have two more applications. I am sorry. Would the Court request that the Government identify the various persons now who will be sitting at the prosecution table?

THE COURT: Sure. I can identify a few myself.

Go ahead, Mr. Curran.

MR. CURRAN: Your Honor, going from my left: Mr. Phillips; Mr. Engel; Mr. Fortuin, who is an assistant United States Attorney; Mr. Fitzgerald, who is an agent of the Drug Enforcement Administration, and Mr. Lynn, who is a student assistant in the United States Attorney's office.

THE COURT: I assume there is no objection to the student assistant.

MR. LOPEZ: I have no objection. Thank you, Mr. Curran.

The only other question, your Honor: Is it your Honor's intention to sequester the jury?

THE COURT: We will see if we can get a jury first. I will say this much, Mr. Lopez: it is my understanding -- I think the record will bear me out -- that all counsel joined

1 in the application made to sequester the jury. It is further
2 my recollection that the United States Attorney after a few
3 minutes -- put it that way -- of consideration, arose and said
4 that he had no objection to the motion to sequester.
5

6 I must say that with all defense counsel moving for
7 it and the United States Attorney raising no objection, that
8 is a very powerful argument to the Court to sequester the
9 jury. My problem is this: I want to make sure that we get
10 a jury today, and I hope with three hundred veniremen that we
11 will be able to get the jury, and most likely I will se-
12 quester them.

13 MR. LOPEZ: The only problem now is this, your Honor:
14 when the prospective jurors are called to the box to ascertain
15 whether they can serve or are qualified to serve, will they
16 be told in advance that they may be sequestered?

17 THE COURT: Oh, sure, Mr. Lopez. It would be un-
18 fair to pick a jury and, after you pick them, to tell them that
19 they are sequestered. I hope that I have a reputation of not
20 being that unfair.

21 MR. LOPEZ: The problem that comes is this: if we
22 tell the jury initially that they are going to be sequestered,
23 and a lot of people get excused who otherwise we would have no
24 objection to, and later we change our minds and say we are
25 not going to sequester them, we will get a lot of old people

left.

So my feel is, whether we sequester or not, we should stick to that decision once we embark upon it.

THE COURT: I appreciate the assistance.

MRS. ROSNER: Your Honor, on January 7th, at a pre-trial conference, when the matter of sequestration was discussed with a representative of my office, he indicated that on behalf of the defendant Ingles there was no objection to the sequestration. That was done in order to avoid the jury being infected with publicity during the course of the trial.

However, in view of the amount of publicity concerning this case, which has been in the media, both on the radio on television and in the newspapers during the past week, I withdraw my consent to the jury being sequestered, and I object to the sequestration of the jury, because the only purpose it could have served has been nullified by the amount of pre-trial publicity in the case.

THE COURT: Anybody else?

MR. FISHER: I object to the sequestration for the reason that Mr. Lopez mentioned.

MR. RICHMAN: I join in that motion.

MR. PANZER: I don't join in that motion, but before we pick a jury, I want to make sure that Mrs. Ware is here. Otherwise, she will be tried in absentia.

THE COURT: We don't want to do that, but we have a logistics problem of getting the jurors here. After that, we will see what happens with Mrs. Ware.

MR. CURLEY: Your Honor, on the matter of sequestration, I join in the motion of Mr. Siegal, because of the interest of other defendants. Although my personal views were opposed to sequestration, I joined, but now that there is no longer unanimity amongst defense counsel, I would state that I oppose sequestration also.

THE COURT: All right.

MR. CURRAN: Your Honor, I understand that Mr. Rosenbaum, the attorney for the defendant D'Amico, is not here. I could be wrong, but that is my understanding.

THE COURT: Does anyone know where Mr. Rosenbaum might be?

Mr. Curley, do you know where he is?

MR. CURLEY: I don't know for sure, your Honor, but Thursday we were in Judge MacMahon's courtroom, 519. I was on a pre-trial conference, and he was on the next one, and his trial on that matter was supposed to start this morning. I asked him which trial he was going to be on. He said he would be with the other. That is a narcotics case before Judge MacMahon. Perhaps if he is not up before Judge MacMahon, his associate would be and could notify the Court

with respect to Mr. Rosenbaum's whereabouts.

THE COURT: Mr. Clark, would you call Judge MacMahon's courtroom? Otherwise, are we ready?

MR. PANZER: Your Honor, may I indicate for the record that Miss Ware is here?

THE COURT: Yes. I noticed.

MR. CURLEY: Here is Mr. Rosenbaum.

THE COURT: Gentlemen, what I intended to do, basically, is purge the jury of those jurors who would have a personal problem serving on a long trial. Under the circumstances, I don't think that personal problems ought to be put on the record or, indeed, enunciated aloud. Basically, it is a separate purge of the jury, and, as you know, while purging a jury is public, it is never on the record. It is public in the sense that you can sit there and watch the juror whisper in the Judge's ear as to why he or she might be excused. I intend to follow the same procedure right now.

All right, Mr. Clerk: would you call the first panel of jurors.

MR. ROSENBAUM: If your Honor please, just before the jury is called in --

THE COURT: Do you want this in private?

MR. ROSENBAUM: No. On the record. I represent

the defendant Vincent D'Amico. At our meeting in December with the United States Attorney's office, Mr. Phillips made a representation to me that the tapes with reference to Mr. D'Amico were not audible and would not be used by the Government in evidence. This past Thursday afternoon, at five-thirty, we received a phone call from Mr. Phillips saying that they had located one tape with two telephone conversations on it with reference to Mr. D'Amico and asked would I want to hear it.

Friday morning, at about a quarter of ten, I went to Mr. Phillips' office and tried to obtain entry to read -- to hear the tapes, and until about one-thirty and two o'clock that afternoon I was unable to hear the tapes or see Mr. Phillips. I called his office again on Friday afternoon, and approximately three-thirty that afternoon my secretary was able to obtain a copy of the tapes.

Mr. Phillips represented to me before I obtained those tapes that they were incriminating against the defendant D'Amico. Upon my review, I don't share that certainty. I don't know if the tape will be attempted to be offered in evidence, whether or not this is a tape that was allegedly inaudible or whether or not it was one of the other tapes that was inaudible.

THE COURT: Mr. Phillips, do you intend to offer

1 MP

2 these tapes in evidence?

3 MR. PHILLIPS: No; we don't at the present time,
4 your Honor. The tape in question came into my possession
5 subsequent to the December representation that I made to M
6 Fosenbaum.

7 MR. ROSENBAUM: Your Honor, when they say "not a
8 this time", if the Government intends to offer it at any
9 time, we would like to have notice, to be able to make
10 motions with reference to that tape.

11 THE COURT: I would suspect that you would get it
12 too.

13 MR. LOPEZ: One last thing in connection with
14 exercising challenges against jurors. Would it be possible
15 that after the voir dire of a panel has been completed, de-
16 fense counsel will be able to leave the courtroom and to
17 confer with regard to the challenges? Otherwise, we are
18 going to have quite a commotion in the courtroom here. It
19 is going to be unwieldy and impractical. One of us will ma
20 the challenges, of course.

21 THE COURT: All the challenges?

22 MR. LOPEZ: Well, after conference with all defen
23 counsel. I think that is the fairest way, rather than have
24 conversations in the courtroom or argument, which might be
25 overheard by the jurors. Perhaps we can go into the hallway

or any other available room, or right in here -- there is a room in here.

THE COURT: Is that room big enough, Mr. Lopez?

MR. LOPEZ: Well, I think it is vacant most of the time. It is a pen-type of thing. Some of the defense lawyers go in there.

THE COURT: All right. You can do that.

Gentlemen, I understand that it will be five minutes before the first hundred jurors come in. Under the circumstances, I am going to retire to the robing room, briefly. I would hope that you don't wander too far from the courtroom. I would expect you back here in five minutes.

(Recess.)

(A panel of prospective jurors was duly sworn.)

(Selection of a jury of twelve and six alternates proceeded.)

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1 MP

2 THE COURT: Swear the panel, please.

3 (A panel of prospective jurors was duly sworn.)

4 THE COURT: Mr. Clerk, will you fill the jury box
5 first.

6 Hold on, Mr. Clerk. One gentleman prefers to
7 affirm rather than swear. Will you please give him the
8 affirmation.

9 (One prospective juror duly affirmed that he would
10 truthfully answer all questions put to him by Court and
11 counsel touching upon his qualifications to serve as a
12 juror in this cause.)

13 THE CLERK: As your names are called, kindly take
14 your seat in the jury box as directed.

15 Juror Number 1, Michael A. Viscardi, Jr.

16 THE COURT: Mr. Viscardi, will you sit up here,
17 please, in the first seat.

18 THE CLERK: Juror Number 2 is Thomas J. Kingsley.
19 Juror Number 3 is Ruth Weiner.

20 THE COURT: Is that Miss or Mrs., ma'am?

21 PROSPECTIVE JUROR NUMBER 3: Mrs.

22 THE CLERK: Juror Number 4 is Wayne J. Anderson.

23 THE COURT: Mr. Anderson, will you sit here, please
24 in the fourth seat?

25 THE CLERK: Juror Number 5 is Francis T. Brown.

1 MP

2 Juror Number 6 is Wilfred D. Machin.

3 Juror Number 7 is Beth E. Boncher.

4 Is that Miss or Mrs., ma'am?

5 PROSPECTIVE JUROR 7: Miss.

6 THE CLERK: I think you better go around the other
7 way.

8 THE COURT: Miss Boncher, will you sit here in the
9 second row, first seat.

10 THE CLERK: Juror Number 8 is Florence Hansen.

11 Is that Miss or Mrs.?

12 PROSPECTIVE JUROR 8: Mrs.

13 THE CLERK: Juror Number 9 is Edward J. Buerkert.

14 Is that the correct pronunciation of your name,
15 sir?

16 PROSPECTIVE JUROR 9: Perfect.

17 THE CLERK: Juror Number 10 is Michael D. Kolt.

18 Juror Number 11 is Doris D. Budge.

19 Is that Miss or Mrs., ma'am?

20 PROSPECTIVE JUROR 11: Mrs.

21 THE CLERK: Juror Number 12 is Clyde D. West.

22 Juror Number 13 is Rhonda Guttentburg.

23 PROSPECTIVE JUROR 13: That's Rhoda, R-h-o-d-a.

24 THE CLERK: Is that Miss or Mrs.?

25 PROSPECTIVE JUROR 13: Miss.

1 MP

2 THE CLERK: Would you sit in the first seat in
3 the third row, please.

4 Juror Number 14 is Hugo Johner.

5 Juror Number 15 is Mary Kruger.

6 Is that Miss or Mrs., ma'am?

7 PROSPECTIVE JUROR 15: Mrs.

8 THE CLERK: Juror Number 16 is Robert J. Behensky

9 THE COURT: Mr. Behensky, is that the correct pro
10 nunciation of your name?

11 PROSPECTIVE JUROR 16: That is correct.

12 THE CLERK: Juror Number 17 is Edie L. Crosby.

13 Is that Miss or Mrs.?

14 PROSPECTIVE JUROR 17: Mrs.

15 THE CLERK: Juror Number 18 is Marjorie Green.

16 THE COURT: Is that Miss or Mrs.?

17 PROSPECTIVE JUROR 18: Mrs.

18 THE COURT: Ladies and gentlemen, I would appreci
19 ate it if not only those of the veniremen, jurors, who are
20 selected to sit in the jury box would pay attention
21 to my questions, but all of you, please.

22 You know, it is the duty of every citizen to serv
23 as a juror. If you or someone whom you love, whom you are
24 close to, were accused falsely of some crime and they were
25 innocent, the type of juror that you would want to sit on

1 MP

2 that case is yourself. I am sure that you recognize this
3 duty to be a juror, and I am sure that that is the reason
4 why you came to the courthouse today. I understand you came
5 expecting to serve as jurors for a period of two weeks.

6 This case will last for a period of some four to six weeks.

7 Is there anyone among the jurors in the box who
8 is unable to serve because of possible length of the trial?

9 Mr. Anderson, why don't you come up here and sit
10 in this seat, and we will talk about it.

11 (Discussion at the bench, off the record.)

12 THE COURT: The next juror who has indicated: Mr.
13 Brown.

14 MR. LOPEZ: Judge Duffy, may I approach the
15 bench, your Honor?

16 (At the side bar:)

17 MR. LOPEZ: Your Honor, I don't know if these items
18 you are inquiring of the prospective jurors should not be
19 on the record, just to make sure that the Government and
20 lead counsel are present when the inquiries are made, so that
21 later on there is no question with regard to it.

22 As a matter of fact, some of the attorneys have
23 indicated requests to come here.

24 THE COURT: Well, these are basically personal
25 problems. Do we get involved in their personal lives?

1 MP

2 MR. LOPEZ: I don't want to get into their personal
3 lives, but I don't want it said by any of the defendants
4 that defense counsel were inept or failed in some of their
5 duties.

6 MR. CURRAN: I don't think it is necessary for us
7 to be here.

8 THE COURT: I will tell you what. I will permit
9 both of you to stay. If you are interested in why Mr.
10 Anderson wanted to be excused, his labor contract with the
11 New York Times provides that he is only permitted to have
12 two weeks of jury service.

13 I would suspect that Mr. Anderson, working for
14 the Times, might read it, and there might be other grounds
15 for a challenge as to him.

16 MR. LOPEZ: Which I think is well taken, your Honor.
17 (Discussion as the side bar with Prospective Juror
18 Number 5.)

19 (In open court:)

20 THE COURT: All right. The next juror, come up.
21 Juror Number 6.

22 (Discussion at the side bar with Prospective Juror
23 Number 6.)

24 (In open court:)

25 THE COURT: All right. The next juror who

1 MP

2 indicated: Mrs. Goncher.

3 (Discussion at the side bar with Prospective Juror
4 Number 7.)

5 (In open court:)

6 THE COURT: All right. Mrs. Hansen.

7 (Discussion at the side bar with Prospective Juror
8 Number 8.)

9 (In open court:)

10 THE COURT: Mr. Buerkert.

11 (Discussion at the side bar with Prospective Juror
12 Number 9.)

13 (In open court:)

14 THE COURT: Mr. Kolt.

15 (Discussion at the side bar with Prospective Juror
16 Number 10.)

17 (In open court:)

18 THE COURT: Is there anyone else in the jury box
19 who feels that the length of service would impose a serious
20 hardship?

21 All right. Mr. Behensky.

22 (Discussion at the side bar with Prospective Juror
23 Number 16.)

24 (In open court:)

25 THE CLERK: Juror Number 1 is excused. Juror Number

1 MP

2 4 is excused. Juror Number 6 is excused.

3 Juror Number 7 is excused.

4 Juror Number 8 is excused.

5 Juror Number 16 is excused.

6 Mr. Behensky, will you take those cards and go back
7 to the jury room, please, Room 109. Those people who have
8 been excused, please return to the jury room across the
9 hall.

10 THE COURT: Mr. Clerk, fill the box.

11 THE CLERK: Juror Number 1 is now Henry L. Chesebrough.
12 Juror Number 4 is now Mario Felie-Badalo.

13 THE COURT: How do you pronounce your name, sir?

14 PROSPECTIVE JUROR 4: Felie-Badalo.

15 THE CLERK: Juror Number 6 is now Lillian M. Miles.
16 Is that Miss or Mrs., ma'am?

17 PROSPECTIVE JUROR 6: Miss.

18 THE COURT: Miss Miles, right here at the end,
19 the first row.

20 THE CLERK: Juror Number 7 is now Benjamin Herz.

21 Mr. Herz, come up this way, please.

22 Juror Number 8 is now Lucille Brice.

23 Is that Miss or Mrs.?

24 PROSPECTIVE JUROR 8: Miss.

25 THE CLERK: Juror Number 16 is now Samuel DeLoach.

1 MP

2 MR. CURRAN: Your Honor --

3 THE COURT: Yes, Mr. Curran?

4 MR. CURRAN: Before inquiring, might Mr. Lopez
5 and I approach the bench briefly?

6 (At the side bar:)

7 MR. CURRAN: Your Honor, it seems to the Government
8 that if your Honor is disposed to sequester, as you indicated
9 you may well do, this trial would be over in three weeks,
10 assuming your Honor will be sitting on Saturdays with the
11 sequestration. I would think that the four weeks, even
12 non-sequestered, would be more reasonable than the six-weeks
13 estimate. According to what you said to the jury, the concern
14 may not be based on the actual fact.

15 THE COURT: Well, I would prefer to take the worst
16 possibility and see what happens.

17 MR. LOPEZ: I agree with your Honor, because if
18 the trial then lasts longer, they will hold the Court
19 accountable and perhaps the lawyers accountable, and we will
20 be on the defense part of it at the end.

21 MR. CURRAN: We will both be in the same boat.

22 (In open court:)

23 THE COURT: Those people who have just been select-
24 ed to sit in the jury box: is there anyone here among the
25 people just recently selected who would have any difficulty

1 NP

2 sitting on this case, as to the length of time?

3 (Discussion at the side bar with Prospective
4 Juror Number 4.)

5 (In open court:)

6 THE COURT: All right. Mr. Herz.

7 (Discussion at the side bar with Prospective
8 Juror Number 7.)

9 (In open court:)

10 THE COURT: All right. Miss Brice.

11 (Discussion at the side bar with Prospective
12 Juror Number 8.)

13 (In open court:)

14 THE COURT: Mr. DeLoach, would you have any
15 difficulty serving for the period of time I indicated, sir?

16 PROSPECTIVE JUROR 10: No, sir.

17 THE CLERK: Juror Number 4 is excused.

18 Juror Number 7 is excused.

19 Juror Number 8 is excused.

20 THE COURT: Mr. Marshal, will you pick up these
21 cards and give them to Mrs. Brice.

22 All right. Now, the jurors standing in the back
23 of the room, will you please return to the jury room across
24 the hall.

25 THE CLERK: Juror Number 4 is now Edward G. Rosse

1 MP

2 THE COURT: Is that the right pronunciation?

3 PROSPECTIVE JUROR 4: Right.

4 THE CLERK: Juror Number 7 is now Joseph C.
5 Steelinger.

6 THE COURT: Sir, if you would come around this way.

7 THE CLERK: Juror Number 8 is now Jennie Schrage.

8 THE COURT: Is that Miss or Mrs. Schrage?

9 PROSPECTIVE JUROR 8: Mrs.

10 THE COURT: Mr. Rosse, would you have any difficulty
11 serving for the length of time I have stated?

12 PROSPECTIVE JUROR 4: No, sir.

13 THE COURT: All right. Mr. Steelinger, would you
14 have any difficulty serving six weeks?

15 PROSPECTIVE JUROR 6: Yes; I would.

16 THE COURT: Come up, please.

17 (Discussion at the side bar with Prospective Juror
18 Number 6.)

19 (In open court:)

20 THE COURT: Mrs. Schrage, would you have any
21 difficulty in serving, ma'am?

22 PROSPECTIVE JUROR 8: No, sir.

23 May I -- I want to correct the pronunciation.

24 THE COURT: Certainly.

25 PROSPECTIVE JUROR 8: Jennie Schrage.

1 MP

2 THE CLERK: Juror Number 7, Moseph C. Steelinger,
3 is excused.

4 Mr. Steelinger, would you come back please and
5 pick up these cards and go back to the jury room.

6 Juror Number 7 is now Howard J. Caughey.

7 THE COURT: Mr. Caughey, would you have any diffi-
8 culty serving for the length of time which I indicated?

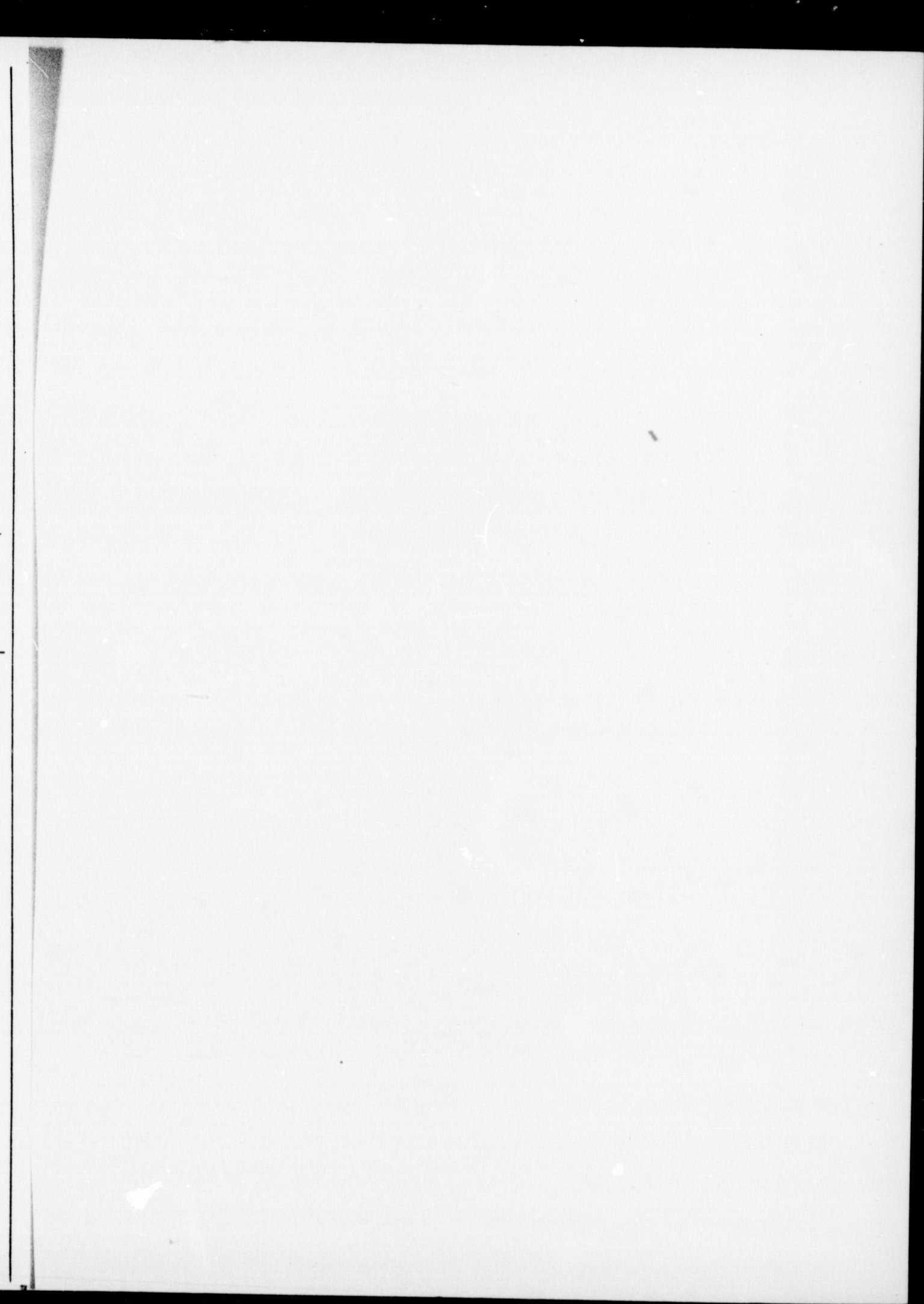
9 PROSPECTIVE JUROR 7: No, sir.

10 THE COURT: Ladies and gentlemen, this goes for
11 everyone, those who are in the jury box and those who are
12 still members of the panel sitting towards the back of the
13 courtroom. I want it understood by all that it may be neces-
14 sary to sequester the jury. Now, let me explain what that
15 means.

16 It means you would not go home at night but that
17 the Government would provide you with lodging, food during
18 the time the trial is held. I know it places a burden any
19 time that a jury has to be sequestered, but let me direct
20 myself first to the jurors in the box.

21 Would that place an insuperable burden on any of
22 you, and if so, I want you to come up in the same way and
23 tell me why. Juror Number 3.

24 (Discussion at the bench with Prospective Juror
25 Number 3.)



1 MP

2 Juror Number 12 is excused.

3 Juror Number 3 is now Michael Wsiaki.

4 Please have the third seat in the first row.

5 Juror Number 5 is now Marie G. Barbat.

6 Is that Miss or Mrs.?

7 PROSPECTIVE JUROR 5: Miss.

8 THE CLERK: Juror Number 6 is now Victor
9 Cristiano.

10 Juror Number 11 is now Elsie Wefer.

11 Is that Miss or Mrs., ma'am?

12 PROSPECTIVE JUROR 11: Mrs.

13 THE CLERK: Thank you.

14 Juror Number 12 is now John Pace.

15 THE COURT: Mr. Wsiaki, you heard the questions
16 I asked of the jurors. Would you have any burden on serving
17 on a jury for a possible period of four to six weeks -- six
18 weeks is my estimate -- and being sequestered during that
19 period of time?

20 PROSPECTIVE JUROR 3: It would be a burden.

21 THE COURT: Do you want to come up and tell me
22 about it?

23 (Discussion at the side bar with Prospective
24 Juror Number 3.)

25 (In open court:)

1 MP

2 THE COURT: All right. Please stand at the back
3 of the courtroom.

4 Mrs. Barbat, would you have difficulty serving
5 on the jury under the conditions as I have explained them?

6 PROSPECTIVE JUROR 5: Yes; I would.

7 THE COURT: All right. Come up, please.

8 (Discussion at the side bar with Prospective Juror
9 Number 5.)

10 (In open court:)

11 THE COURT: All right. Please stay in the back of
12 the courtroom.

13 Mr. Cristiano, would you have difficulty serving
14 under those circumstances, sir?

15 PROSPECTIVE JUROR 6: No.

16 THE COURT: Mrs. Wefer, would you have difficulty
17 serving under those circumstances?

18 PROSPECTIVE JUROR 11: No.

19 THE COURT: Mr. Pace, would you have difficulty
20 serving under those circumstances?

21 PROSPECTIVE JUROR 12: Yes, sir.

22 THE COURT: Why don't you come up, and we will talk
23 about it.

24 (Discussion at the side bar with Prospective Juror
25 Number 12.)

1 MP

2 (In open court:)

3 THE COURT: Anyone else who would find it an
4 insuperable burden to serve if the jury is sequestered?

5 (Discussion at the side bar with Prospective Juror
6 Number 5.)

7 (In open court:)

8 THE COURT: All right. Please stand at the back
9 of the courtroom. Let's take them in order, if we can,
10 please.

11 (Discussion at the side bar with Prospective Juror
12 Number 11.)

13 (In open court:)

14 THE COURT: Now, Juror Number 12.

15 (Discussion at the side bar with Prospective Juror
16 Number 12.)

17 (In open court:)

18 THE COURT: All right. Juror Number 13.

19 (Discussion at the side bar with Prospective Juror
20 Number 13.)

21 (In open court:)

22 THE COURT: All right. Juror Number 17.

23 (Discussion at the side bar with Prospective Juror
24 Number 17.)

25 THE CLERK: Juror Number 3 is excused. Juror
Number 5 is excused. Juror Number 11 is excused.

1 MP

2 Juror Number 12 is excused.

3 Juror Number 3 is now Michael Wsiaki.

4 Please have the third seat in the first row.

5 Juror Number 5 is now Marie G. Barbat.

6 Is that Miss or Mrs.?

7 PROSPECTIVE JUROR 5: Miss.

8 THE CLERK: Juror Number 6 is now Victor
9 Cristiano.

10 Juror Number 11 is now Elsie Wefer.

11 Is that Miss or Mrs., ma'am?

12 PROSPECTIVE JUROR 11: Mrs.

13 THE CLERK: Thank you.

14 Juror Number 12 is now John Pace.

15 THE COURT: Mr. Wsiaki, you heard the questions
16 I asked of the jurors. Would you have any burden on serving
17 on a jury for a possible period of four to six weeks -- six
18 weeks is my estimate -- and being sequestered during that
19 period of time?

20 PROSPECTIVE JUROR 3: It would be a burden.

21 THE COURT: Do you want to come up and tell me
22 about it?

23 (Discussion at the side bar with Prospective
24 Juror Number 3.)

25 (In open court:)

1 MP

2 THE COURT: All right. Please stand at the back
3 of the courtroom.

4 Mrs. Barbat, would you have difficulty serving
5 on the jury under the conditions as I have explained them?

6 PROSPECTIVE JUROR 5: Yes; I would.

7 THE COURT: All right. Come up, please.

8 (Discussion at the side bar with Prospective Juror
9 Number 5.)

10 (In open court:)

11 THE COURT: All right. Please stay in the back of
12 the courtroom.

13 Mr. Cristiano, would you have difficulty serving
14 under those circumstances, sir?

15 PROSPECTIVE JUROR 6: No.

16 THE COURT: Mrs. Wefer, would you have difficulty
17 serving under those circumstances?

18 PROSPECTIVE JUROR 11: No.

19 THE COURT: Mr. Pace, would you have difficulty
20 serving under those circumstances?

21 PROSPECTIVE JUROR 12: Yes, sir.

22 THE COURT: Why don't you come up, and we will talk
23 about it.

24 (Discussion at the side bar with Prospective Juror
25 Number 12.)

1 MP 15

2 (In open court:)

3 THE CLERK: Juror Number 3 is excused.

4 Juror Number 5 is excused.

5 Juror Number 12 is excused.

6 THE COURT: Would you please take these cards and
7 return to the Jury Selection Room, across the hall.

8 All right.

9 THE CLERK: Juror Number 3 is now Jeane R. Johnson.

10 Is that Miss or Mrs.?

11 PROSPECTIVE JUROR 3: Mrs:

12 THE CLERK: Juror Number 5 is now Emil A.

13 Mattson.

14 Juror Number 12 is now Rose Masiello.

15 Is that Miss or Mrs.?

16 PROSPECTIVE JUROR 12: Miss.

17 THE COURT: Mrs. Johnson, you heard the questions
18 which I asked of the prospective jurors before?

19 PROSPECTIVE JUROR 3: Yes.

20 THE COURT: Would you have a problem with this,
21 ma'am?

22 PROSPECTIVE JUROR 3: I think I would.

23 THE COURT: All right. Do you want to come up and
24 talk about it?

25 (Discussion at the side bar with Prospective Juror

1 MP

2 Number 3.)

3 (In open court:)

4 THE COURT: All right. Will you stand in the rear
5 of the courtroom.

6 Mr. Mattson, would that cause any difficulty to yo

7 PROSPECTIVE JUROR 5: Yes.

8 THE COURT: All right. Come up, please, sir.

9 (Discussion at the side bar with Prospective Juror
10 Number 5.)

11 (In open court:)

12 THE COURT: Miss Masiello, would that cause any
13 difficulty for you?

14 PROSPECTIVE JUROR 12: Yes.

15 THE COURT: All right. Come up.

16 (Discussion at the side bar with Prospective Juror
17 Number 12.)

18 (In open court:)

19 THE COURT: All right. Stand in the back of the
20 courtroom, and wait until I speak to you.

21 Mr. Buerkert?,

22 PROSPECTIVE JUROR 9: Your Honor, may I --

23 THE COURT: All right. Come up.

24 (Discussion at the side bar with Prospective Juror
25 Number 9.)

1 MP

2 (In open court:)

3 THE COURT: All right. Stand in back of the
4 courtroom, please.

5 THE CLERK: Juror number 3, Jeane Johnson, is
6 excused.

7 Juror Number 5, Emil Mattson, is excused.

8 Juror Number 9, Edward Buerkert, is excused.

9 Juror Number 12, Miss Rose Masiello, is excused.)

10 THE COURT: Would you be good enough to return to
11 to the jury room, across the hall.

12 THE CLERK: Juror Number 3 is now August H. May.
13 Please take your seat in the first row, the third
14 seat.

15 Juror Number 5 is Pearl Feuer.

16 Is it Miss or Mrs. Feuer?

17 PROSPECTIVE JUROR 5: Mrs.

18 THE CLERK: Please have a seat in the first row,
19 the fifth seat.

20 Juror Number 9 is now Nancy W. Wilford.

21 Is that Miss or Mrs, ma'am?

22 PROSPECTIVE JUROR 9: Miss.

23 THE CLERK: Juror Number 12 is now Niles G. Nielson.

24 THE COURT: Mr. May, you have heard the questions
25 that I have asked the other jurors. Would this situation

1 MP.

2 cause any undue burden to you, sir?

3 PROSPECTIVE JUROR 3: No.

4 THE COURT: Mrs. Feuer, would this situation cause
5 any undue burden to you?

6 PROSPECTIVE JUROR 5: I beg your pardon?

7 THE COURT: You have heard the questions which I
8 asked the other jurors? Would this situation cause any
9 undue burden to you?

10 PROSPECTIVE JUROR 5: Yes.

11 THE COURT: Do you want to come up, and we will
12 talk about it.

13 (Discussion at the side bar with Prospective Juror
14 Number 5.)

15 (In open court:)

16 THE COURT: All right. Stand in the back of the
17 courtroom.

18 Miss Wilford, you have heard the questions I put
19 to the other jurors. Would it cause a problem?

20 PROSPECTIVE JUROR 9: Yes.

21 THE COURT: Come up.

22 (Discussion at the side bar with Prospective Juror
23 Number 9.)

24 THE COURT: All right. Please stand in the back of
25 the courtroom.

1 MP

2 THE COURT: Mr. Nielson, you have heard the ques-
3 tions which I have asked the other jurors. Would this cause
4 any undue burden to you?

5 PROSPECTIVE JUROR 12: Yes.

6 THE COURT: All right. Come up, and we will talk
7 about it.

8 (Discussion at the side bar with Prospective Juror
9 Number 12.)

10

11 (In open court:)

12 THE COURT: All right. Wait in the back of the
13 courtroom.

14 THE CLERK: Juror Number 5, Pearl Feuer, is excused.

15 Juror Number 9, Nancy Wilford, is excused.

16 Juror Number 12, Nils Nielson, is excused.

17 Juror Number 5 is now Janet Feldman.

18 Is that Miss or Mrs.?

19 PROSPECTIVE JUROR 5: Mrs.

20 THE CLERK: Juror Number 9 is now Lucille M. Boes.

21 Is that Miss or Mrs., ma'am?

22 PROSPECTIVE JUROR 9: Mrs.

23 THE CLERK: Juror Number 12 is now Jean G.

24 Sternberg.

25 Is that Miss or Mrs., ma'am?

1 MP

2 PROSPECTIVE JUROR 12: Mrs.

3 THE COURT: Mrs. Feldman, you have heard the ques-
4 tions which I directed to the other jurors. Would this caus-
5 any really great burden to you?

6 PROSPECTIVE JUROR 5: Yes.

7 THE COURT: All right. Why don't you come up,
8 ma'am?

9 (Discussion at the side bar with Prospective Juror
10 Number 5.)

11 THE COURT: All right. Please wait in the back of
12 the courtroom.

13 PROSPECTIVE JUROR 5: Okay. Thank you.

14 THE COURT: Mrs. Boes, you have heard the questions
15 which I directed to the other jurors. Would this cause any
16 great problem for you, ma'am?

17 PROSPECTIVE JUROR 9: Yes.

18 THE COURT: Why don't you come up here, and we will
19 chat about it.

20 (Discussion at the side bar with Prospective Juror
21 Number 9.)

22 (In open court:)

23 THE COURT: All right. Please wait in the back of
24 the courtroom.

25 Mrs. Sternberg, you have heard the questions which

1 MP

2 I posed to the other jurors. Would this cause any problem
3 for you, ma'am?

4 PROSPECTIVE JUROR 12: Yes.

5 THE COURT: Come on up, and we will chat about it.

6 (Discussion at the side bar with Prospective Juror
7 Number 12.)

8 (In open court:)

9 THE COURT: All right. Stand in back of the court-
10 room.

11 PROSPECTIVE JUROR 12: Thank you, your Honor.

12 THE CLERK: Juror Number 5, Janet Feldman, is
13 excused.

14 Juror Number 9, Lucille Boes, is excused.

15 Juror Number 12, Jean Sternberg, is excused.)

16 Juror Number 5 is now John C. Bohling.

17 Have a seat in the first row, the fifth seat.

18 Juror Number 9 is now Miles I. Levine.

19 Juror Number 12 is Frank J. Azzinaro.

20 THE COURT: Mr. Bohling, you have heard the ques-
21 tions which I have asked of the jury before. Will you have
22 any problem serving?

23 PROSPECTIVE JUROR 5: I would, sir.

24 THE COURT: All right. Do you want to come up?

25 (Discussion at the side bar with Prospective Juror

1 MP

2 Number 5.)

3 (In open court:)

4 THE COURT: All right. Please stand in the back of
5 the courtroom.

6 Mr. Levine, would you have any difficulty serving
7 under the conditions I have stated?

8 PROSPECTIVE JUROR 9: Yes, sir.

9 THE COURT: All right. Come up.

10 (Discussion at the side bar with Prospective Juror
11 Number 9.)

12 (In open court:)

13 THE COURT: All right. Stand in the back of the
14 courtroom, please.

15 Mr. Azzinaro, you have heard the questions which
16 I have put to the jury. Do you feel that you would have an
17 insuperable burden under these circumstances?

18 PROSPECTIVE JUROR 12: I do.

19 THE COURT: All right. Come on up, and we will
20 talk about it.

21 (Discussion at the side bar with Prospective Juror
22 Number 12.)

23 (In open court:)

24 THE COURT: All right. Please stand in the back of
25 the courtroom.)

1 MP

2 THE CLERK: Juror Number 5, John Bohling, is
3 excused.

4 Juror Number 9, Miles Levine, is excused.

5 Juror Number 12, Frank Azzinaro, is excused.

6 THE COURT: Will you three gentlemen please
7 report back to the jury room, across the hall.

8 THE CLERK: Juror Number 5 is Robert Giglia.

9 Juror Number 9 is now Morris Schechter.

10 Juror Number 12 is now Kay Reed.

11 Is that Miss or Mrs.?

12 PROSPECTIVE JUROR 12: Mrs.

13 MR. WARNER: Your Honor, may I approach the
14 bench?

15 THE COURT: Do you think it is really necessary?
16 I gather you do. All right come on up.

17 (At the side bar:)

18 THE COURT: Don't tell me. One of the veniremen
19 used to be your Boy Scoutmaster.

20 MR. WARNER: In view of the fact of your Honor's
21 indication of possible sequestration, I would like to register
22 my opposition to sequestration.

23 THE COURT: All right.

24 (In open court:)

25 THE COURT: Mr. Giglia, would you have any difficul-

1 MP

2 ty serving?

3 PROSPECTIVE JUROR 5: Yes, your Honor.

4 THE COURT: You would? All right. Do you want to
5 come up, please?

6 (Discussion at the side bar with Prospective Juror
7 Number 5.)

8 (In open court:)

9 THE COURT: All right, please stand in the back of
10 the courtroom.

11 Mr. Schechter, under the circumstances I have out
12 lined, would you have a series problem?

13 PROSPECTIVE JUROR 9: Yes, sir.

14 THE COURT: All right. Come on up, and we will
15 talk about it.

16 (Discussion at the side bar with Prospective Juror
17 Number 9.)

18 (In open court:)

19 THE COURT: All right. Stand up in the back of the
20 courtroom.

21 Mrs. Reed, would you have any insuperable difficulties
22 serving under the conditions I have outlined?

23 PROSPECTIVE JUROR 12: Yes, sir.

24 THE COURT: All right. Come on up, and we will talk
25 about it.

1 MP 25

2 (Discussion at the side bar with Prospective Juror
3 Number 12.)

4 (In open court:)

5 THE COURT: All right. Will you please stand in
6 the back of the courtroom.

7 THE CLERK: Juror Number 5, Robert Giglia, is
8 excused.

9 Juror Number 9, Morris Schechter, is excused.

10 Juror Number 12, Kay Justin Reed, is excused.

11 THE COURT: Mr. Curran --

12 (At the side bar.)

13 THE COURT: If there is no objection, after pick-
14 ing the next three jurors, we will take a break.

15 (In open court:)

16 THE CLERK: Juror Number 5 is now Hannah T.
17 Bradley. Is that Miss or Mrs.?

18 PROSPECTIVE JUROR 5: Miss.

19 THE CLERK: Juror Number 9 is now Henry M.
20 Boettinger.

21 Mr. Boettinger, is that the way you pronounce your
22 name?

23 PROSPECTIVE JUROR 9: Boettinger.

24 THE CLERK: Juror Number 12 is now Rudolph
25 Rothschild.

1 MP

2 THE COURT: Before we continue with the voir dire
3 I note that this courtroom is almost insufferably warm, and
4 I assume, since we have been going for an hour and a half,
5 perhaps the people would like to take a break.

6 The Clerk will escort those jurors in the jury box
7 to the jury room. All other members of the jury panel are
8 report back here in ten minutes. Do you understand?

9 All right. Now, everybody else remain seated
10 please, until the jurors in the jury box are escorted out.

11 Now, those members of the panel who will not be
12 in the jury room for this courtroom -- Go ahead, Mr. Clerk,
13 take them out -- I request that you please do not talk to
14 anyone about this case. Hopefully, you know nothing about it
15 right now. However, don't remain in the presence of anyone
16 discussing any case that is going on at all in the courthouse.
17 Keep to yourselves, please, and come back at, let us say,
18 twelve minutes past twelve. All right?

19 Would the spectators remain seated until after the
20 jury panel gets out of the room.

21 (The jury panel and the prospective jurors left
22 the courtroom.)

23 THE COURT: All right, gentlemen. Let's take a
24 ten-minute break.

25 MR. LOPEZ: Your Honor, may I approach the bench?

1 MP

2 (At the side bar:)

3 MR. LOPEZ: Apparently the marshals have no objec-
4 tion, but they want the permission of the Court for this:

5 Some of the incarcerated defendants are wondering
6 whether their families can send out for hot lunches, and they
7 will be brought in. The marshals will naturally exercise
8 security and check them out, if there is any problem with
9 that.

10 We have done this before, on other occasions.

11 MR. CURRAN: As I recall in other cases, the
12 Government feels, your Honor, that that is within the province
13 of the prison authorities. We don't know why special
14 conditions should be made in this case.

15 THE COURT: If the marshal says it is all right,
16 I have no problem with it. That is up to the marshals. If
17 the marshals feel that the security problem is such that they
18 can do it, fine.

19 (Recess.)

20 THE COURT: Miss Bradley, you have heard the
21 questions that I have phrased to the other jurors. Would
22 you have any difficulty serving under those conditions?

23 PROSPECTIVE JUROR 5: I think so.

24 THE COURT: All right. Do you want to come up, and
25 we will talk about it?

1 MP

2 (Discussion at the side bar with Prospective Juror
3 Number 5.)

4 THE COURT: All right. Please wait in the back of
5 the courtroom.

6 Mr. Boettinger, would you have any difficulty, sir
7 serving under the conditions I have described?

8 PROSPECTIVE JUROR 9: I would, sir.

9 THE COURT: All right. Come up, please, and we
10 will talk about it.

11 (Discussion at the side bar with Prospective Juror
12 Number 9.)

13 (In open court:)

14 THE COURT: All right. please wait in the back of
15 the courtroom.

16 Mr. Rothschild, would you have any difficulty, sir,
17 serving under the conditions I have stated?

18 PROSPECTIVE JUROR 12: Yes; I would.

19 THE COURT: All right. Come up here, please, and
20 we will talk about it.

21 (Discussion at the side bar with Prospective Juror
22 Number 12.)

23 (In open court:)

24 THE CLERK: Juror Number 5, Hannah T. Bradley, is
25 excused.

T2am

1 MP

2 Juror Number 9, Henry Boettinger, is excused.

3 Juror Number 12, Rudolph Rothschild, is excused.

4 Juror Number 13, Rhoda Guttenberg, is excused.

5 THE COURT: Will those jurors who have been excused
6 report back to the jury room.

7 THE CLERK: Juror Number 5 is now Joseph M. Duva.

8 Juror Number 9 is now Mary T. King.

9 Juror Number 12 is Charles M. Brown.

10 Juror Number 13 is now Frank Wirth.

11 THE COURT: Mr. Duva, you have heard the questions
12 which I have asked of the other jurors. Would the situation
13 that I suggest cause you an undue burden?

14 PROSPECTIVE JUROR 5: Yes.

15 THE COURT: It would? Come on up.

16 (Discussion at the side bar with Prospective Juror
17 Number 5.)

18 (In open court:)

19 THE COURT: All right. Stand in the back of the
20 courtroom, please.

21 Mrs. King, you have heard the questions I have
22 posed. Would this cause you a real difficult problem?

23 PROSPECTIVE JUROR 9: No.

24 THE COURT: Mr. Brown, you have heard the questions
25 that I posed to the other jurors. Would this cause you a

1 JHP

2 great problem, sir?

3 PROSPECTIVE JUROR 12: Yes; it would.

4 THE COURT: All right. Will you come up, please,
5 and we will talk about it.

6 (Discussion at the side bar with Prospective Juror
7 Number 12.)

8 (In open court:)

9 THE COURT: Mr. Wirth?

10 PROSPECTIVE JUROR 13: No problem.

11 THE CLERK: Juror Number 5, Joseph Duva, is excused
12 Juror Number 12, Charles M. Brown, is excused.

13 Juror Number 5 is now Rhoda Reigeluth.

14 Juror Number 12 is now Gene P. Iannizzi.

15 THE COURT: Mrs. Reigeluth, you have heard the
16 questions I posed to the other jurors. Would this cause you
17 an insuperable burden, ma'am?

18 PROSPECTIVE JUROR 5: No.

19 THE COURT: Mr. Iannuzzi, you have heard the
20 questions that I posed to the other jurors. Would this cause
21 you a great burden?

22 PROSPECTIVE JUROR 12: Yes; it would.

23 THE COURT: All right. Come on up. Let's talk
24 about it.

25 (Discussion at the side bar with Prospective Juror

1 JHP

2 Number 12.)

3 (In open court:)

4 THE CLERK: Juror Number 12, Gene Iannuzzi, is
5 excused.

6 Juror Number 12 is now Hyman Stein.

7 THE COURT: Mr. Stein, before you climb into the
8 box, you have heard the questions I asked of the other
9 jurors. Would this cause you any problem, sir?

10 PROSPECTIVE JUROR 12: Yes.

11 THE COURT: All right. Come on up.

12 (Discussion at the side bar with Prospective Juror
13 Number 12.)

14 (In open court:)

15 THE CLERK: Juror Number 12, Hyman Stein, is ex-
16 cused.

17 Juror Number 12 is now Nathan Schwalb.

18 THE COURT: Mr. Schwalb, you have heard the ques-
19 tions that I have posed to the other jurors. Do you think
20 you would have any problem, sir?

21 PROSPECTIVE JUROR 12: Yes.

22 THE COURT: All right. Come on up.

23 (Discussion at the side bar with Prospective Juror
24 Number 12.)

25 (In open court:)

1 JHP

2 THE CLERK: Juror Number 12, Nathan Schwalb, is
3 excused.

4 Juror Number 12 is now Bernard L. Stone.

5 THE COURT: Mr. Stone, you heard the questions that
6 I asked of the other jurors. Would this cause any difficulty
7 for you, sir?

8 PROSPECTIVE JUROR 12: It would, sir.

9 THE COURT: All right. Come on up.

10 (Discussion at the side bar with Prospective
11 Juror Number 12.)

12 (In open court:)

13 THE CLERK: Juror Number 12, Bernard Stone, is
14 excused.

15 Juror Number 12 is now Iris V. Savitt.

16 THE COURT: Miss Savitt, you have heard the ques-
17 tions I posed to the other jurors. Would this cause a prob-
18 lem for you, ma'am?

19 PROSPECTIVE JUROR 12: No.

20 (At the side bar:)

21 THE COURT: It is now twelve-thirty. If I start
22 the voir dire I will never finish by one o'clock.

23 MR. LOPEZ: We keep to the ground rules.

24 MR. CURRAN: That's fine with the Government.

25 (In open court:)

1 JHP

2 THE COURT: Ladies and gentlemen, this goes for
3 those members of the panel sitting in the box and those still
4 sitting in the courtroom.

5 Personally, I believe in trying to run as civilized
6 a courtroom as possible. I recognize that many of you come
7 from fairly distant places, and I note that the time is now
8 twelve-thirty.

9 I am going to release you to go to lunch.

10 Now, we will continue the voir dire after lunch.
11 Please, all of you, those sitting in the box, return and sit
12 where you are sitting now. Those in the back are to return
13 and sit on that right hand side as you walk in, and stay
14 there.

15 Before you go, let me tell you that I would appre-
16 ciate it very much -- in fact, I am demanding of you -- that
17 you do not discuss this case with any other member of the
18 jury panel or with anyone outside the jury panel. Don't in
19 any way stay in the vicinity of any person that you hear
20 discussing the case.

21 I want you to come back after lunch just as clear in
22 mind as you came in this morning.

23 Now, because most of you don't know the restaurants
24 in the neighborhood and where you possibly can go to eat, I
25 am going to permit you to have a lunch period of an hour and

1 JHP

2 a half, which I think is quite sufficient. It will even get
3 you off the lines.

4 I do want you back here at two o'clock, promptly.
5 When I say "promptly", I mean promptly.

6 First of all, I think that everybody else who is
7 not on the jury panel should remain seated, and we will
8 permit the marshals to open that back door and let the jury
9 panel leave. Make sure you take with you everything that you
10 brought into the courtroom.

11 (Pause.)

12 THE COURT: Gentlemen, we should all be back here
13 at two o'clock promptly. I noticed that there were some who
14 were not here promptly this morning. Under the circumstances
15 I am willing to forgive one faux pas.

16 Be back here at two o'clock.

17 Mr. Lopez, do you have something to say?

18 MR. LOPEZ: No.

19 THE COURT: Fine. I will see you back here at two
20 o'clock.

21 (A luncheon recess was taken.)

22

23

24

25

1 NP

2 AFTERNOON SESSION

3 2:00 p.m.

4 (Prospective jurors in box.)

5 THE COURT: Once again, let me remind all members
6 of the jury panel to please pay attention. You may be
7 called upon, and I would like to have you have in mind the
8 questions which I direct to the people in the jury box.

9 Ladies and gentlemen, as you perhaps might guess,
10 this case is a criminal case. It comes to trial by means of
11 an indictment. The indictment here is quite long. It charges,
12 generally, a conspiracy to violate the narcotics laws, and
13 there are a number of individual counts charging specific
14 violations of the narcotics laws.

15 The defendants have pleaded not guilty and thereby
16 have raised issues of fact to be tried by a jury.

17 I want to make absolutely clear to you at the out-
18 set: an indictment is nothing more than a piece of paper by
19 which the Government advises the defendants of the charges
20 on which they are to be tried. It is solely an accusation.
21 It doesn't mean anything as far as the trial of the case is
22 concerned. It is not evidence and affords absolutely no
23 basis for any inference by the jury in this case.

24 You must remember that in every criminal case the
25 defendants are presumed innocent, and the Government has a

1 MP

2 burden of proof to establish guilt beyond a reasonable doubt.

3 Now, I am going to conduct what is called a voir
4 dire examination. Basically, the purpose of the voir dire
5 is to let you know a little bit more about us and us to
6 find out a little bit more about you.

7 I am going to direct a series of questions to each
8 juror in turn. Those in the back of the courtroom, please
9 pay attention.

10 Mr. Cheesboro, I see that you live in Manhattan
11 County.

12 PROSPECTIVE JUROR 1: Yes, sir.

13 BY THE COURT:

14 Q Have you lived there for the last five years, sir?

15 A Yes, sir.

16 Q What is your present occupation?

17 A A communications serviceman with the New York Tele-
18 phone Company.

19 Q And how long have you worked for the telephone com-
20 pany?

21 A Five years.

22 THE COURT: Can you gentlemen hear?

23 MR. FISHER: No, sir.

24 THE COURT: Mr. Clerk, would you be good enough
25 to take the microphone from the witness stand and bring it

1 MP

2 over here.

3 (Pause.)

4 THE COURT: Let me bring you up to date.

5 Mr. Cheesboro tells me that he lives in Manhattan
6 and has lived there for the last five years. He presently
7 works for the New York Telephone Company. It is the New
8 York Telephone Company?

9 PROSPECTIVE JUROR 1: The New York Telephone
10 Company.

11 THE COURT: And he has worked there for the last
12 five years.

13 BY THE COURT:

14 Q Mr. Cheesboro, are you married?

15 A Yes; I am.

16 Q Is your wife employed?

17 A No; she isn't.

18 Q She is a housewife?

19 A Yes, sir.

20 THE COURT: All right. Mr. Kingsley, I see that
21 you live in the Bronx.

22 PROSPECTIVE JUROR 2: Yes, sir.

23 BY THE COURT:

24 Q And have you lived in the Bronx for the last
25 five years?

1 HP.

2 A No. At the end of '72 I moved to Indiana. I just
3 recently moved back.

4 Q Just recently moved back to the Bronx?

5 A Yes, sir.

6 Q How long were you out in Indiana?

7 A About fourteen months.

8 Q Oh, you started off from the Bronx and then you
9 came back?

10 A Yes.

11 Q The big city has its attractions, hasn't it?

12 A Yes; I guess so.

13 Q Can you tell us what your present occupation is?

14 A I am unemployed right now.

15 Q What do you do generally? Were you a student out
16 there?

17 A No. I was working in a machine shop out in
18 Indiana.

19 Q Are you married, sir?

20 A Yes.

21 Q Is your wife employed?

22 A No.

23 THE COURT: Mr. May, I can't tell what borough you
24 live in.

25 PROSPECTIVE JUROR 3: Manhattan.

1 MP .

2 BY THE COURT:

3 Q Have you lived there for the last five years?

4 A (By P. J. 3) Yes, sir.

5 Q Are you presently employed?

6 A Yes.

7 Q And what is the name of the address of the company
8 you work for?

9 A I am an arc welder for General Motors.

10 THE COURT: He is an arc welder.

11 Q Is that correct, sir?

12 A Yes.

13 Q Are you married, sir?

14 A No.

15 THE COURT: Mr. Rosse, I am sorry, but I don't know
16 what county is Blauvelt in.

17 PROSPECTIVE JUROR 4: Rockland.

18 BY THE COURT:

19 Q Rockland County?

20 A Yes.

21 Q Have you lived in Rockland County for the last
22 five years?

23 A No. Three.

24 Q Where did you live before that?

25 A In the Bronx, for forty years.

1 HP

2 Q Are you presently employed, sir?

3 A I am retired.

4 Q What did you do before you were retired?

5 A I was a teacher for the New York Board of Education.

6 Q I see. And you have gone up to the country now.

7 Are you married, sir?

8 A I am a widower.

9 THE COURT: Mrs. Reigeluth, you live in West-
10 chester; is that correct?

11 PROSPECTIVE JUROR 5: Yes.

12 BY THE COURT:

13 Q And have you lived there for the last five years?

14 A Well, I moved back in 1970. I had lived there
15 before then. I moved away to Connecticut from '54 until '70.

16 Q All right. Are you presently employed?

17 A No. Retired.

18 Q Are you married?

19 A I am widowed.

20 THE COURT: Thank you.

21 Mr. Victor Cristiano.

22 PROSPECTIVE JUROR 6: Yes, sir.

23 BY THE COURT:

24 Q Mr. Cristiano, you live in the Bronx right now;
25 is that correct?

1 MP

2 A Yes, sir.

3 Q And have you lived there for the last five years?

4 A Twenty years.

5 Q Twenty years?

6 A Yes.

7 Q That's more than five.

8 Are you married, sir?

9 A I am retired, but I work part time in real estate.

10 Q You work part time in real estate. What did you
11 retire from?

12 A I am retired two years.

13 Q What did you do before you retired?

14 A I used to be in manufacturing ladies' clothes.

15 Q I see. Tell me: what do you do in real estate work?

16 A 2218 Lispenard.

17 Q Is that in the Bronx?

18 A Yes, sir.

19 Q And you sell real estate: is that what it is?

20 A Yes.

21 Q Are you married, sir?

22 A Yes, sir.

23 Q Is your wife employed?

24 A No.

25 THE COURT: Mr. Caughey -- is that correct?

1 MP

2 PROSPECTIVE JUROR 7: Close. Caughey.

3 BY THE COURT:

4 Q I am sorry. I have difficulty with Irish names.
5 You live in the Bronx?

6 A Yes, sir.

7 Q And have you lived there for the last five years?

8 A Yes, sir.

9 Q Are you presently employed?

10 A No, sir. I am retired.

11 Q What was your occupation before you retired?

12 A Wholesale credit analyst for Con Edison.

13 Q And how long have you been retired, sir?

14 A Six years.

15 Q Are you married?

16 A Yes, sir.

17 Q Yes?

18 A Yes, sir.

19 Q And is your wife working?

20 A No, sir.

21 Q She is a housewife?

22 A Yes. That's right.

23 THE COURT: Mrs. Schrage -- Is that right?

24 PROSPECTIVE JUROR 8: Yes.

25 Q Let's see. You live in Manhattan, is that right?

1 MP

2 A (P. J. 8) Yes, sir.

3 Q And have you lived there for the last five years?

4 A I have lived there for at least forty years.

5 Q I wasn't going to ask how long. All right. Are
6 you presently employed, ma'am?

7 A No, sir.

8 Q Have you ever been employed? Are you retired from
9 some job?

10 A No. I was employed about forty years ago.

11 Q Well, that's a good time to retire.

12 A I was married.

13 Q Is your husband still alive?

14 A No. My husband passed away.

15 THE COURT: Mrs. Klingsley.

16 PROSPECTIVE JUROR 9: Yes.

17 BY THE COURT:

18 Q You live in Manhattan also?

19 A Yes.

20 Q You have lived there for the last five years?

21 A Yes.

22 Q Mrs. Kingsley, are you presently employed?

23 A Yes; I am. I am a receptionist.

24 Q Could you tell us where?

25 A The National Audubon Society.

1 MP

2 Q And have you been so employed for the last five
3 years?

4 A Yes.

5 Q Are you married?

6 A Yes; I am.

7 Q Is your husband employed?

8 A Yes.

9 Q What does he do?

10 A He is a tile setter. Construction work.

11 THE COURT: Mr. Michael Kolg.

12 PROSPECTIVE JUROR 10: Yes, sir.

13 BY THE COURT:

14 Q Mr. Kolt, have you lived in the Bronx for the last
15 five years?

16 A Yes.

17 Q Are you presently employed, sir?

18 A Yes. Sears, Roebuck Company.

19 Q What do you do there?

20 A I am a delivery driver.

21 Q Have you been so employed for the last five years?

22 A Yes, sir.

23 Q Are you married, sir?

24 A No, sir.

25 THE COURT: Mrs. Elsie Wefer.

1 MP

2 PROSPECTIVE JUROR 11: Yes, sir.

3 BY THE COURT:

4 Q Mrs. Wefer, I can't figure out from your card
5 exactly what borough you live in.

6 A Manhattan.

7 Q In Manhattan. Have you lived there for the last
8 five years, ma'am?

9 A Yes.

10 Q All right. Are you presently employed?

11 A Yes.

12 Q What do you do?

13 A Supervisor, Immigration & Naturalization Service.

14 Q Okay. Have you worked there for the last five
15 years?

16 A Yes.

17 Q Are you married, ma'am?

18 A I am a widow.

19 THE COURT: Mrs. Sava, you live in the Bronx?

20 PROSPECTIVE JUROR 12: Yes.

21 Q And you have lived there for the last five years,
22 have you?

23 A Yes.

24 Q Are you presently employed?

25 A Yes.

1 MP

2 Q What do you do?

3 A I work for Manufacturers Hanover Trust. I am a
4 teller.

5 Q You are a teller?

6 A Yes.

7 THE COURT: Okay. Mr. Wirth, I see you come from
8 Westchester; is that correct?

9 PROSPECTIVE JUROR 13: Putnam County.

10 BY THE COURT:

11 Q Putnam. Have you lived there for the last five
12 years?

13 A Over twenty-five.

14 Q Are you presently employed, sir?

15 A I am retired.

16 Q How long have you been retired? You went up to
17 the country after you retired?

18 A No. I have been there for a long time.

19 Q Are you married, Mr. Wirth?

20 A Yes.

21 Q Is your wife employed?

22 A She is a part-time waitress.

23 THE COURT: Mr. Johner?

24 PROSPECTIVE JUROR 14: Yes, sir.
25

1 MP

2 BY THE COURT:

3 Q You live in Manhattan?

4 A P. J. 14) Uh huh. Right.

5 Q Have you lived there for the last five years,
6 sir?

7 A Yes. I was born there.

8 Q Are you presently employed?

9 A I own my own business.

10 Q What kind of a business is that?

11 A It's a retail fudge and confectionary store.

12 Q Have you owned your own business or been in this
13 particular business for the last five years?

14 A No, sir. The last two years.

15 Q And what did you do before that?

16 A I was general manager with Denis-Barber Restaurant
17 in New York City.

18 Q Are you married, sir?

19 A No. Single.

20 THE COURT: Mrs. Mary Kruger. Mrs. Kruger?

21 PROSPECTIVE JUROR 15: Yes, sir.

22 BY THE COURT:

23 Q You live in the Bronx now?

24 A Yes.

25 Q Have you lived there for the last five years?

1 MP

2 A Yes, sir.

3 Q Are you presently employed?

4 A No; not right now.

5 Q Why do you say "not right now"?

6 A Until six months ago.

7 Q What do you do?

8 A I am a hair custter.

9 MR. FISHER: What was the answer?

10 THE COURT: The answer was "a hair dresser".

11 Q Mrs. Kruger, is your husband still alive?

12 A Yes, sir.

13 Q And is he employed?

14 A Yes, sir.

15 Q What does he do?

16 A He works in a bank.

17 Q What does do in a bank?

18 A He does clerical work.

19 THE COURT: Mr. Samuel DeLoach.

20 PROSPECTIVE JUROR 16: Yes, sir.

21 BY THE COURT:

22 Q You live in the bronx?

23 A Yes.

24 Q And have you lived there for the last five years?

25 A Yes.

1 MP

2 Q Mr. DeLoach, are you presently employed?

3 A Yes.

4 Q What do you do, sir?

5 A Messenger for Drexel -Brown Company.

6 Q What does Drexel-Brown do? Is that a real estate
7 outfit?

8 A No. That's a stock brokerage firm.

9 Q Oh. I used to be with the SEC. I should know all
10 these names. I am sorry, but I don't.

11 Are you married, sir?

12 A Yes.

13 Q And if your wife employed?

14 A No; she is not employed.

15 THE COURT: All right. Mrs. Edie Crosby.

16 PROSPECTIVE JUROR 17: Yes, sir.

17 BY THE COURT:

18 Q You live in the Bronx, ma'am?

19 A Yes.

20 Q And have you lived there for the last five years?

21 A Yes; I have.

22 Q Are you presently employed, ma'am?

23 A Yes; I am.

24 Q What do you do?

25 A I am chief supervisor of adjustments for Macy's

1 MP

2 Department Store.

3 Q And have you been employed by Macy's for the last
4 five years?

5 A Yes; I have.

6 Q Are you married?

7 A Yes; I am.

8 Q And is your husband presently employed?

9 A Yes; he is.

10 Q What does he do?

11 A He is a countermain for Ward Chemical Company, on
12 Madison Avenue.

13 THE COURT: Mrs. Marjory Green. Mrs. Green --

14 PROSPECTIVE JUROR 18: Yes, sir.

15 BY THE COURT:

16 Q I believe you live in Manhattan; is that correct?

17 A Yes.

18 Q All right. And have you lived there for the last
19 five years, ma'am?

20 A Yes.

21 Q Now, are you presently employed?

22 A I am unemployed.

23 Q You are unemployed. And have you been unemployed
24 for the last five years?

25 A Yes.

1 MP

2 Q Is your husband alive, Mrs. Green?

3 A I am a widow.

4 Q You are a widow.

5 THE COURT: I suspect that the next group of
6 questions will bring forth a negative answer. If there is
7 anything else, please raise your hand, and we will go into
8 it from there.

9 MRS. ROSNER: Excuse me, your Honor. Before we pro-
10 ceed to that, could we ask Juror Number 8 and Juror Number
11 11 what their husbands did before they were deceased?

12 THE COURT: If you want that, surely.

13 MRS. ROSNER: Yes.

14 THE COURT: Mrs. Schrage, what did your husband do
15 before he died?

16 PROSPECTIVE JUROR NUMBER 8: He was a physician.

17 THE COURT: And Mrs. Wefer?

18 PROSPECTIVE JUROR NUMBER 11: He was a carpentry
19 contractor.

20 MRS. ROSNER: Thank you, Judge.

21 THE COURT: Does any juror know or has he had any
22 dealings, directly or indirectly, with any of the defendants
23 named in this indictment or with any members of their families
24 or has any friend or associate of yours, to your knowledge,
25 had any dealings with any person named in the indictment?

1 MP

2 Will the minutes reflect that there were no affirma-
3 tive answers from any member of the jury panel.

4 The defendants who will stand trial are:

5 Carmine Tramunti, Louis Inglese, Joseph DelVecchio,
6 Donato Christiano, Thomas Lentini, Angelo Mamone, Joseph
7 diNapoli, Carmine Pugliese, Pat Di Lacio, Frank Pugliese,
8 Joseph Ceriale, John Gamba, Anthony Loria;

9 Vincent D'Amico, Dominick Lessa, Benjamin Tolopka,
10 George Toutoian, Frank Pellegrino, Joseph Marchese, Richard ...
11 Forbrick, Frank Russo, Warren C. Robinson, Thomas Dawson,
12 Al Greene, William Alonzo, Hattie Ware, John Springer, Mary
13 Jane Salvani, Henry Salley, Basil Hansen, Estelle Hansen
14 and a John Doe also known as Jimmy Wyatt Earp.

15 Will the record reflect that there were no affirma-
16 tive responses from any member of the panel.

17 Does any juror know or has he or she had any deal-
18 ings, directly or indirectly, with any of the following per-
19 sons or their families:

20 Let me start off by introducing the people around
21 the tables.

22 First of all, Mr. Curran. Will you rise, please.
23 Let me introduce Mr. Paul Curran, United States Attorney for
24 this District. Does anyone have or has anyone had any deal-
25 ings with Mr. Paul Curran?

1 MP

2 All right. Sit down, please.

3 There are three assistant United States Attorney
4 seated at counsel table presently. Will each one rise and
5 let the jury see him.

6 Mr. Walter Phillips, first. Does anyone have any
7 dealings with him?

8 All right. Mr. Thomas E. Engel. Has anyone had
9 any dealings with Mr. Engel?

10 Mr. Thomas M. Fortuin. Has anyone had any dealing
11 with Mr. Fortuin?

12 Does any member of the jury panel know any member
13 of the staff of the United States Attorney's office for the
14 Southern District of New York?

15 All right, sir. There is one hand among those
16 people who have not yet been called. If you are chosen, sir,
17 we will get to that at that point. All right?

18 All right. ladies and gentlemen. Let me introduce
19 to you the defense counsel, and the manner in which I am going
20 to introduce them means absolutely nothing. It is just the
21 seating arrangement which we have worked out.

22 Mr. Herbert Siegal: Does any member of the jury
23 panel know Mr. Siegal or had any business dealings with him,
24 has any member of your family, to your knowledge?

25 Let the minutes reflect a negative response.

1 MP

2 Mrs. Nancy Rosner. Has anyone had any dealings with
3 Mrs. Rosner or any member of your family?

pm 4 Mr. Frank A. Lopez. Does anyone here know Mr.
5 Lopez or had any dealings with him?

6 Mr. George David Rosenbaum. Does anyone know Mr.
7 Rosenbaum or had any dealings with him, or has any member of
8 your family had any dealings with this counsel?

9 Mr. Gary Sundel.

10 Mr. Ivan Fisher.

11 Mr. Robert Ellis.

12 Mr. Theodore Rosenberg.

13 Mr. Kenneth E. Warner.

14 Mr. Murray Richman.

15 Mr. John P. Curley.

16 Mr. Michael C. Dowd.

17 Mr. Robert P. Leighton.

18 Mr. Harold Schwartz.

19 I am sorry. Apparently, I got your numbers mixed
20 up.

21 Mr. Edward Panzer.

22 Mr. Martin Jay Siegel.

23 Mr. Murray M. Segal. Mr. Siegel and Mr. Segal are
24 not related. They don't even spell their names the same.

25 MR. SIEGAL: I was first, Judge.

1 MP

2 THE COURT: And they are not related to you, either
3 Mr. H. Leonard King.

4 Does anyone here know any of the co-conspirators
5 named in the indictment?

6 Now, these are the names that I have of co-con-
7 spirators named in the indictment.

8 Leo Cimino, Ernie Pontiac, Paul Gregorio, Paulie
9 the Arrow, Louis Lepore, Vincent Papa, Frank Stasi, Anthony
10 Pagaono, Joe Sharp, Frank Monaco, Frank Lalli, Alfred Lalli
11 Joe Flats, Sal Landi, John Dingle, Primrose Cadman, Louis
12 Oliveras, Jack Spada, Ralph Birdie, Martin DeSaverio, a
13 person known as Jink?

14 Marion Starace, John Dugan, Joseph Andretta, Harry
15 Pannirello, John Pannirello, James Provitero, Thomas Lentini
16 Carmine Pugliesi, George Toutouian, Frank Pellegrino,
17 Basil Hansen, Estelle Hansen.

18 MR. ELLIS: Your Honor, I think John Barnaba was
19 inadvertently left off that list.

20 THE COURT: Thank you for bringing it to my atten-
21 tion. John Barnaba was apparently left off the list.

22 Has any juror here ever been employed by any law
23 enforcement agency?

24 PROSPECTIVE JUROR NUMBER 4: The Bureau of
25 Attendance of the Board of Education, at one time.

1 JHP

2 THE COURT: You were in the Bureau of Attendance?

3 PROSPECTIVE JUROR NUMBER 4: That's right.

4 THE COURT: In other words, you watched out for
5 kids playing hookey?

6 P. J. 4: Right.

7 THE COURT: Does any juror here have any friends --
8 and I mean very close friends -- or relatives who are
9 engaged in law enforcement work?

10 Mr. May, you do?

11 PROSPECTIVE JUROR NUMBER 3: Yes.

12 BY THE COURT:

13 Q Could you tell us who it is?

14 A My brother-in-law is a sergeant in the Police
15 Department.

16 THE COURT: Mr. Cheesboro?

17 PROSPECTIVE JUROR NUMBER 1: Yes. A friend of mine
18 is a patrolman.

19 BY THE COURT:

20 Q You have a friend who is a patrolman with the New
21 York City Police?

22 A Yes.

23 THE COURT: Mr. Caughey?

24 PROSPECTIVE JUROR NUMBER 7: I have a son who is
25 a police officer.

1 JHP

2 BY THE COURT:

3 Q Is he with the New York City Police Department?

4 A (P. J. 7) No.

5 Q Where is he a policeman, sir?

6 A Up in Westchester.

7 THE COURT: Anybody else?

8 PROSPECTIVE JUROR NUMBER 9: My brother is a
9 patrolman.

10 BY THE COURT:

11 Q With the New York City Police Department?

12 A Yes.

13 THE COURT: Anyone else?

14 Ladies and gentlemen, those of you down in the
15 back: I am sure that you may have relatives who are engaged
16 in law enforcement. We will get to that, if you are called.

17 Has any juror here ever had any dealings with an
18 agent of the Bureau of Narcotics & Dangerous Drugs, the Drug
19 Enforcement Administration, the New York State Investigation
20 Unit, the Joint Narcotics Task Force or any such law en-
21 forcement agency?

22 Has any juror here, any prospective juror here,
23 served as a juror in a criminal or a civil case or as a
24 member of a grand jury, either in the Federal or State court
25 Mr. Cheesboro?

1 JHP

2 PROSPECTIVE JUROR 1: Yes. Last year, in January,
3 the grand jury, the Federal grand jury.

4 BY THE COURT:

5 Q You were on the Federal grand jury last year?

6 A Yes.

7 Q In this district?

8 A This district, yes.

9 THE COURT: Mr. May?

10 PROSPECTIVE JUROR 3: Civil Court.

11 BY THE COURT:

12 Q New York County Civil Court?

13 A Yes.

14 Q Did you actually sit through the complete trial of
15 a case?

16 A Yes.

17 Q What kind of a case was it, sir?

18 A Auto accident, liabilities.

19 Q Did you reach a verdict there?

20 A Yes.

21 Q Was the verdict for plaintiff or defendant?

22 A I was on several cases. Some for plaintiffs, some
23 for defendants.

24 PROSPECTIVE JUROR 4: About forty years ago, in
25 Bronx County Criminal Court.

1 JHP

2 BY THE COURT:

3 Q Some forty years ago that was?

4 A (P. J. 3) Yes.

5 Q Do you remember what kind of a case it was?

6 A It was burglary.

7 Q A burglary case?

8 A And robbery.

9 Q Did you sit through the case to a verdict?

10 A Yes.

11 Q What was the verdict?

12 A Guilty.

13 THE COURT: There were some other folks, I think,
14 on this side. Yes, ma'am?

15 PROSPECTIVE JUROR 11: Civil Court.

16 BY THE COURT:

17 Q You sat in Civil Court as a juror?

18 A Yes.

19 Q What kind of case?

20 A Well, one was a felony, and one was a misdemeanor.

21 Q That is the Criminal Court. Did you sit through
22 where the jury reached a verdict?

23 A Yes.

24 Q What was the verdict there?

25 A Guilty.

1 JHP

2 Q In both cases?

3 A In one guilty. Not guilty in the other.

4 Q You had one guilty and one not guilty?

5 A Yes.

6 THE COURT: Yes, did you have your hand up?

7 PROSPECTIVE JUROR 12: Yes. I served here four
8 years ago.

9 BY THE COURT:

10 Q You served in this district?

11 A Yes.

12 Q Was it a civil jury or a criminal jury?

13 A A car accident.

14 Q That is a civil jury.

15 A Yes.

16 Q What happened. Did you sit through to a verdict?

17 A Yes.

18 Q Was it a plaintiff's verdict, where you gave a sum
19 of money, or was it a defendant's verdict?

20 A It was a plaintiff's.

21 THE COURT: Yes?

22 PROSPECTIVE JUROR 17: I sat --

23 BY THE COURT:

24 Q You sat in this courthouse?

25 A No: in the Bronx, in 1972. I sat also before that.

1 JHP

2 I was on the indictment committee, '72, in the Bronx, and I
3 was called two weeks ago.

4 Q You mean to say you were on a grand jury in the
5 Bronx? Is that what it is?

6 A Yes.

7 THE COURT: Have you, any of you or your immediate
8 families ever been the victim of a crime?

9 Have you ever participated in a criminal case as a
10 complainant or as a witness?

11 PROSPECTIVE JUROR 17: As a complainant I have. My
12 son was mugged and beat up, two years ago.

13 BY THE COURT:

14 Q I gather at that time the police were called; is
15 that correct?

16 A Yes.

17 Q Were you satisfied with the speed with which the
18 police came?

19 A Yes.

20 Q I think that is yes, to a point.

21 PROSPECTIVE JUROR 5: You said, had I ever been the
22 victim of a crime. I was twice robbed.

23 BY THE COURT:

24 Q You were twice robbed?

25 A Once when I was a child and once about in 1948 or

1 JHP

2 '9. I don't remember what happened when I was a child. I
3 don't remember if they were -- if they ever found him when
4 I was a child; but they did find the person who robbed me
5 in 1949.

6 Q Did you ever appear in court as a complainant or a
7 witness?

8 A No, no.

9 THE COURT: Let's move on to something else.

10 Has any juror or the close relative of any juror
11 ever had a formal legal action or a formal dispute with the
12 United States of America? I know we all hate to pay our
13 taxes and that we do kicking and screaming, but I am talking
14 about formal action against the United States.

15 Recently, there has been a great deal in the press
16 and on television concerning the allegations of misconduct
17 by various Government officials. Does any juror feel that
18 they have any bias whatsoever, either for or against the
19 Government, because of such allegations?

20 Would any juror here have any difficulty in render-
21 ing a fair and impartial judgment in this case solely because
22 it involved allegations of violations of the narcotics laws?

23 Does any juror here have a hearing problem?

24 The reason I ask that is, they insist that I speak
25 into a microphone because I speak so softly.

1 JHP

2 Before I put the next series of questions to you,
3 let me just make some comments generally.

4 Some of the defendants in this case and, to a lesser
5 extent the case itself, have been the subject of some publi-
6 city. It is not unrealistic to recognize that some of you
7 may have read or heard something about the case. However,
8 what appears in the public press, in any news media, TV,
9 whatever it might be, is not evidence. Cases are tried in
10 a courtroom under prescribed rules of procedure and not in
11 the press or on radio or on television.

12 You should not -- you must not be influenced by
13 anything you have seen or heard outside of the courtroom.
14 The only evidence in the case which may properly be considered
15 by you is what you hear from the lips of the witnesses after
16 they are solemnly sworn to tell the truth.

17 Now, starting first again with Mr. Cheesboro:
18 Sir, what papers do you generally read?

19 PROSPECTIVE JUROR 1: The Daily News.

20 BY THE COURT:

21 Q And the Sunday News?

22 A Yes.

23 Q What news programs do you generally watch?

24 A Channel 4 -- Eleven o'clock news.

25 Q Have you read or heard anything about this case or

1 JHP

2 the defendants in this case?

3 A Not that I can remember, sir.

4 Q Have you any prejudice or bias with reference either
5 to the Government or the defendants which would prevent you
6 from rendering a fair and impartial verdict?

7 A No; I have not.

8 Q Do you feel that conscientiously you can listen
9 to the testimony in this case as it comes from the witnesses
10 and whatever exhibits there may be, and after I explain the
11 law to you could you arrive at a fair conclusion as to the
12 innocence or guilt of each defendant, unaffected by anything
13 else?

14 A Yes, sir; I can.

15 THE COURT: Mr. Kingsley, what newspapers do you
16 read, sir?

17 PROSPECTIVE JUROR 2: Mainly the News and the
18 Sunday News.

19 BY THE COURT:

20 Q What news programs do you generally listen to?

21 A Either the Channel 7 or Channel 4 News at Six.

22 Q Have you read or heard anything about this case or
23 the defendants in this case?

24 A Not that I can remember.

25 Q Have you any prejudice, bias or sympathy with

1 JHP

2 reference to either the Government or the defendants?

3 A No.

4 Q No, you don't?

5 A No.

6 Q Do you think that you could try this case solely
7 on the evidence as it comes from the witnesses and whatever
8 exhibits there might be and render a fair and impartial judg
9 ment based solely on that?

10 A Yes.

11 THE COURT: Mr. May, what newspapers do you read,
12 sir?

13 PROSPECTIVE JUROR 3: The News.

14 BY THE COURT:

15 Q What news programs do you listen to?

16 A Eye-Witness News.

17 Q That is --

18 A Channel 7.

19 Q Have you read or heard anything about this case
20 or the defendants in this case?

21 A I don't remember if I did.

22 Q Have you any prejudice, bias or sympathy either f
23 the Government or the defendants?

24 A No.

25 Q Do you conscientiously feel that you can listen

1 JHP

2 to the evidence as it comes in in this courtroom --

3 A Yes.

4 Q -- and render a verdict solely on that evidence?

5 A Yes.

6 THE COURT: Mr. Rosse, what newspapers do you
7 read?

8 PROSPECTIVE JUROR 4: The Daily News, Sunday News,
9 New York Times.

10 BY THE COURT:

11 Q And the Sunday Times also?

12 A Sunday Times, yes.

13 Q What News programs do you listen to, sir?

14 A Channel 5 at six o'clock.

15 Q Have you read or heard anything about this case or
16 the defendants in the case?

17 A Not that I know of.

18 Q Do you have any prejudice or bias or sympathy with
19 reference either to the Government or the defendants?

20 A No, sir.

21 Q Do you feel that you could judge this case impar-
22 tially, solely on the evidence as it comes in in this court-
23 room?

24 A Yes.

25 THE COURT: Mrs. Riegeluth, what newspapers do you

1 JHP

2 read, ma'am?

3 PROSPECTIVE JUROR 5: Sometimes the Wall Street
4 Journal. No other one.

5 BY THE COURT:

6 Q What news programs do you watch ma'am?

7 A Well, various ones. Sometimes WOR, CBS and then
8 ABC at seven, I think it is, on TV.

9 Q Have you read or heard anything about this case
10 or any of the defendants in this case?

11 A Nothing at all.

12 Q Do you feel that you have any prejudice, bias or
13 sympathy either for the Government or for the defendants in
14 this case?

15 A No.

16 Q Do you feel conscientiously that you could render
17 a verdict solely on the evidence as it comes in in this
18 courtroom?

19 A Yes.

20 THE COURT: Mr. Cristiano, what newspapers do you
21 read, sir?

22 PROSPECTIVE JUROR 6: The News, Daily News.

23 BY THE COURT:

24 Q The Daily News and the Sunday News?

25 A And the Sunday News.

1 JHP

2 Q What news programs do you listen to or watch?

3 A Channel 5.

4 Q Have you read or heard anything about this case
5 or about the defendants in the case?

6 A No.

7 Q Do you feel that you have any prejudice, bias or
8 sympathy with reference either to the Government or the de-
9 fendants in the case?

10 A No.

11 Q Do you feel that you can conscientiously listen
12 to the evidence as it comes in in this courtroom and render
13 a fair and impartial verdict?

14 A Yes.

15 THE COURT: Mr. Caughey, what newspapers do you
16 read, sir?

17 PROSPECTIVE JUROR 7: News.

18 BY THE COURT:

19 Q And what news programs do you listen to?

20 A 4 and 7.

21 Q Channel 4 and Channel 7?

22 A That's right.

23 Q Have you read or heard anything about this case or
24 the defendants in this case?

25 A Not that I can recall.

1 JHP

2 Q Do you have any prejudice, bias or sympathy with
3 reference to either the Government or the defendants?

4 A No, sir.

5 Q Do you feel that you could conscientiously listen
6 to the testimony in this case and whatever exhibits may be
7 received and render a fair and impartial verdict on that?

8 A Yes, sir.

9 THE COURT: Mrs. Schrage, what newspaper do you
10 read, ma'am?

11 PROSPECTIVE JUROR 8: The Times and the Post.

12 BY THE COURT:

13 Q And what news programs do you listen to or watch?

14 A 2 and 4 mostly.

15 Q Channel 2 and Channel 4?

16 A Yes.

17 Q Have you read or heard anything about this case or
18 the defendants in the case?

19 A No, sir.

20 Q Do you have any prejudice, bias or sympathy?

21 A No.

22 Q And that is with respect to either the Government
23 or the defendants; is that correct?

24 A That's correct.

25 Q Do you conscientiously feel that you can render a

1 JHP
2 fair and impartial verdict?

3 A Yes, sir.

4 Q Solely on the evidence that comes in in this court-
5 room?

6 A Yes.

7 THE COURT: Mrs. King, what newspaper do you read,
8 ma'am?

9 PROSPECTIVE JUROR 9: The New York Times.

10 BY THE COURT:

11 Q And what news programs do you listen to?

12 A Channel 7.

13 Q Have you read or heard anything about this case or
14 any of the defendants in the case?

15 A No; I did not.

16 Q Do you have any prejudice or bias or sympathy
17 either for the Government or for the defendants in this case?

18 A No; I do not.

19 Q Do you feel that you can conscientiously render a
20 verdict on the evidence which comes in in the courtroom?

21 A Yes; I do.

22 Q Without regard to anything else?

23 A Yes.

24 THE COURT: Mr. Kolt, what newspaper do you read,
25 sir?

1 JHP

2 PROSPECTIVE JUROR 10: News.

3 BY THE COURT:

4 Q And what TV or radio news programs do you listen to
5 or watch?

6 A Channel 4 occasionally.

7 Q Have you read or heard anything about this case or
8 the defendants in this case?

9 A Not to my knowledge.

10 Q Do you have any prejudice, bias or sympathy either
11 for the Government or for the defendants in this case?

12 A No, sir.

13 Q Do you feel that you could conscientiously
14 render a fair and impartial verdict on the evidence as it
15 comes in in this courtroom?

16 A Yes, sir.

17 THE COURT: Mrs. Wefer, what newspaper do you read?

18 PROSPECTIVE JUROR 11: Usually I buy Newsweek
19 Magazine.

20 BY THE COURT:

21 Q You buy Newsweek Magazine?

22 A And Time Magazine.

23 Q Do you listen to news programs or watch TV news
24 programs?

25 A Channel 5 at ten.

1 JHP

2 Q Have you read or heard anything about this case
3 of the defendants in this case?

4 A No.

5 Q Do you have any prejudice, bias or sympathy for
6 the Government or for the defendants?

7 A None whatever.

8 Q Do you feel that you could conscientiously render
9 a fair and impartial verdict on the evidence that comes in
10 in this courtroom?

11 A Yes.

12 Q You think you can?

13 A Yes.

14 THE COURT: Miss Savitt, what newspaper do you read?

15 PROSPECTIVE JUROR 12: Daily news.

16 BY THE COURT:

17 Q And the Sunday News also?

18 A Yes.

19 Q And what news programs do you generally watch?

20 A Channel 2 or 7.

21 Q Have you read or heard anything about this case or
22 the defendants in this case?

23 A No.

24 Q Have you any prejudice, bias or sympathy either for
25 the Government or the defendants in this particular case?

1 LHP

2 A No.

3 Q Do you feel that you could conscientiously render
4 a fair and impartial verdict on the evidence as it comes
5 in in this courtroom?

6 A Yes.

7 THE COURT: Mr. Wirth, what newspaper do you read?

8 PROSPECTIVE JUROR 13: Danbury News, Times and
9 the Sunday News.

10 BY THE COURT:

11 Q What news program do you listen to?

12 A 2 or 4 at six.

13 Q Have you read or heard anything about this case
14 or the defendants in this case?

15 A No.

16 Q Have you any prejudice, bias or sympathy either for
17 the Government or the defendants on trial in this case?

18 A No.

19 Q Do you feel that you could conscientiously render
20 a fair and impartial verdict solely based on the evidence
21 that comes in at trial?

22 A Yes, sir.

23 THE COURT: Mr. Janner, what newspaper do you read?

24 PROSPECTIVE JUROR 14: The News and the Times also
25 and then, you know, I will look at some other papers, the Post

1 LHP

2 or local papers, like the Village Voice or something like
3 that, but always the News and Times.

4 BY THE COURT:

5 Q What news programs, if any, do you listen to?

6 A (P. J. 14) Just the major stations. I switch around.
7 None in particular. Every one in general. Just whatever
8 I happen to get in better on the set.

9 Q Have you read or heard anything about this case or
10 the defendants in this case?

11 A Not that I can remember, no.

12 Q Do you have any prejudice, bias or sympathy either
13 for the Government or for the defendants in this case?

14 A No.

15 Q Do you feel that you could conscientiously render
16 a fair and impartial verdict based on the evidence that comes
17 in in this courtroom, solely?

18 A Yes.

19 THE COURT: Mrs. Kruger, what newspaper do you read?

20 PROSPECTIVE JUROR 15: Daily News, Sunday News and
21 the Post.

22 BY THE COURT:

23 Q What news programs do you listen to?

24 A Channel 5.

25 Q Have you read or heard anything about this case or

1 LHP

2 the defendants in the case?

3 A I don't ever recall.

4 Q You don't ever recall hearing or reading such a
5 thing?

6 A No.

7 Q Do you have any prejudice, bias or sympathy either
8 for the Government or for the defendants in this case?

9 A No.

10 Q Do you feel that you could conscientiously render
11 a fair and impartial verdict --

12 A Yes; I do.

13 Q -- without regard to anything except what goes on
14 in this courtroom? That is my question. Do you understand?
15 Can you render a verdict solely on the evidence as it comes
16 in in this courtroom?

17 A Yes; I believe I could.

18 THE COURT: Mr. DeLauche, what newspaper do you
19 read, sir?

20 PROSPECTIVE JUROR 16: Daily News.

21 BY THE COURT:

22 Q What news programs do you listen to, generally?

23 A Channel 7.

24 Q The reason I am repeating it, sir, is because we
25 do have a large courtroom, and you are very far away from the

1 LHP

2 microphones.

3 Have you read or heard anything about this case
4 or the defendants in the case?

5 A No; I have not.

6 Q Do you have any prejudice, bias or sympathy either
7 with reference to the Government or the defendants?

8 A I have not.

9 Q Do you feel that you could listen to the testimony
10 in this case and see the exhibits and conscientiously render
11 a fair and impartial verdict based solely on that evidence?

12 A Yes.

13 THE COURT: Mrs. Crosby, what newspaper do you read,
14 ma'am?

15 PROSPECTIVE JUROR 17: Daily News, Post and the
16 Sunday News.

17 BY THE COURT:

18 Q What news program do you listen to, ma'am?

19 A Channel 5 and Channel 4.

20 Q Have you read or heard anything about this case or
21 the defendants in this case?

22 A No, not that I can recall or remember.

23 Q Do you have any prejudice, bias or sympathy either
24 for the Government or the defendants in this case?

25 A No; I have not.

1 LHP

2 Q Do you feel that you could listen to the evidence
3 as it comes in in this courtroom and render a fair and
4 impartial verdict based on that alone?

5 A Yes.

6 THE COURT: Mrs. Green, what newspaper do you read,
7 ma'am?

8 PROSPECTIVE JUROR 18: Daily News, Sunday News.

9 BY THE COURT:

10 Q And what news program do you listen to?

11 A Channel 4 and 7.

12 Q Have you read or heard anything about this case
13 or the defendants in this case?

14 A No, sir.

15 Q Do you have any prejudice, bias or sympathy with
16 reference to either the Government or the defendants in this
17 case?

18 A No.

19 Q Do you feel that you could conscientiously listen
20 to the evidence as it is permitted in in this courtroom and
21 render a verdict solely on that?

22 A Yes, sir.

23 THE COURT: Now, some of the Government witnesses
24 will admit they were participants in crimes charged in the
25 indictment. Would that fact alone prejudice you in any way,

1 JHP

2 either for or against the Government or the defendants?

3 MR. LOPEZ: Your Honor, I have an exception to
4 that question. May I put it on the record?

5 THE COURT: If you have an exception, certainly.

6 MR. LOPEZ: Right.

7 THE COURT: You will also possibly hear evidence
8 from Federal and State officers. I will instruct you that
9 the fact that a person is a Federal or State officer does
10 not in and of itself give him any greater credibility.

11 Would you be able to accept that instruction
12 and gauge him the same way that you would any other witness?

13 Ladies and gentlemen, the function of a jury is to
14 decide questions of fact. You are the sole judges of the
15 fact, or you will be the sole judges of the fact. Nothing
16 that I say, nothing that any of the lawyers say, either by
17 opening statement or by argument, is to be in any way con-
18 sidered to encroach on your role as the sole judges of the
19 fact.

20 You are to determine the facts from the evidence
21 which you will hear.

22 When it comes to the law, however, the rules change.
23 You are bound to take the law as I give it to you. Generally,
24 speaking, I will detail the law to you at the very end of the
25 case. You are not to substitute your notion of what the law

1 JHP

2 is or what you think it should be. You are to take the law
3 solely as I give it to you.

4 Does any juror have any reservation about accepting
5 the fact that you are going to decide the facts and accept
6 the law as I give it to you?

7 Now, having accepted that, at the conclusion of
8 the case you will be asked to determine guilt or innocence of
9 each defendant. If based on all the evidence and following
10 the principles of law as I give it to you you have a reason-
11 able doubt as to the defendants' guilt, you must not hesitate
12 to return a verdict of acquittal.

13 Is everyone willing to accept that?

14 In connection with that, any verdict that you may
15 return is not to be based on sympathy or any other reason.
16 It is to be based on the facts as you find them and the law
17 as I give it to you.

18 Would anyone have any difficulty doing that?

19 Is there anything which you feel you should bring
20 to my attention which would prevent you from rendering a fair
21 and impartial verdict in this case?

22 Gentlemen, would you like to take a five-minute
23 break?

24 MR. LOPEZ: Yes, your Honor.

25 THE COURT: Ladies and gentlemen, I am going to take

1 JHP

2 a ten-minute break. Those jurors in the box are to be
3 escorted to the jury room by the clerk of the court. Those
4 jurors still seated in the back, as members of the jury
5 panel, are to be escorted by the marshals. All others are
6 to remain seated.

7 Be back here at three-fifteen.

8 (Pause.)

9 MRS. ROSNER: Your Honor, may we take exception to
10 one of the voir dire questions on the record, since the
11 veniremen are now absent?

12 THE COURT: Yes.

13 MRS. ROSNER: One of the questions your Honor asked
14 was, in essence, whether the jurors would be affected solely
15 by the fact that co-conspirators admitted complicity in the
16 crimes charged.

17 I submit, your Honor, that that is an erroneous
18 question. Under United States vs. Padgent, in this Circuit,
19 we would be entitled to have the jury instructed not only
20 that they should be affected by a co-conspirator's admission
21 of complicity but that they should weigh such testimony with
22 the very greatest of care before accepting it, and I think
23 that voir dire question cuts in exactly the opposite direction.

24 In order to correct the effect of it, we would
25 request that your Honor charge the jury whether they could

1 JHP

2 accept the principle of law, which is fundamental, that ad-
3 missions by a co-conspirator of complicity should be weighed
4 with the very greatest of care before they are accepted as
5 truthful.

6 MR. FISHER: If your Honor please, Padgent was
7 recently cited with approval by our Circuit in United States
8 against Gonzales, which is a case decided a week or two ago,
9 and I strenuously join in Mrs. Rosner's application.

10 In addition, if your Honor please, as a result of
11 the inquiries thus far -- and I thank you for your obvious
12 effort to be exhaustive -- I would ask as well the Court to
13 inquire as follows:

14 First, with regard to all of the potential jurors
15 who have indicated they have friends or relatives in the
16 New York City Police Department, I would ask your Honor to
17 advise these jurors that it is more than likely that member
18 of the New York City Police Department will in fact be
19 witnesses here.

20 THE COURT: I thought I already had.

21 MR. FISHER: And to ask them whether or not as a
22 result of their relationships with members of the New York
23 City Police Department they would tend to give credibility
24 to police officers merely by reason of their employment.

25 THE COURT: I think that was covered also. Go

1 JHP

2 ahead.

3 MR. FISHER: Secondly, if your Honor please, to ask
4 Juror Number 11, who has indicated that she was a supervisor
5 at Immigration & Naturalization, whether or not her duties
6 bring her into investigative or law enforcement areas of
7 INS.

8 THE COURT: Wait a second. I think that one was
9 covered also.

10 MR. FISHER: She just indicated she was a super-
11 visor at INS, your Honor.

12 THE COURT: But I asked specifically whether anyone
13 had done law enforcement work, and that is when we got our
14 truant officer to admit --

15 MR. FISHER: That's correct, your Honor. However,
16 sometimes people need specific prodding in a certain area.

17 THE COURT: I would hope not. Go ahead.

18 MR. FISHER: With regard to Juror Number 17, the
19 juror who has indicated that she has been on the grand jury --

20 MRS. ROSNER: And Number 1.

21 MR. FISHER: -- and as well been a witness for
22 the prosecution in a pending case, where her son was a
23 victim, I would ask your Honor whether or not as a result
24 of those experiences she has especially strong feelings
25 towards the police and also whether or not as a result of her

1 JHP

2 experience as being a witness --

3 THE COURT: Mr. Fisher, did you see her face?

4 MR. FISHER: With regard --

5 THE COURT: I know this never shows up on a cold
6 record. Go ahead.

7 MR. FISHER: I think that she indicated the police
8 might not have arrived there early enough, but certainly,
9 your Honor, as a result of her coming into contact with
10 prosecutors, both in the grand jury and in the course of the
11 prosecution connected with the son.

12 Further, your Honor, whether or not she has any
13 sympathies towards witnesses as a rule, having been a
14 witness herself.

15 THE COURT: No. I think that goes a little bit too
16 far.

17 Mr. Richman?

18 MR. RICHMAN: If the Court please, Juror Number 7,
19 although he did not recognize me, was on a jury panel of
20 mine within the last year in Bronx County. During the course
21 of the trial it may come out, or he may recollect that.

22 THE COURT: I don't think that necessarily would
23 prejudice him.

24 MR. RICHMAN: I am just informing the Court.

25 MR. DOWD: Your Honor, I would ask in respect to

1 JHP

2 all the jurors that your Honor ask them whether they could
3 weigh the evidence in respect to each defendant. You have
4 used the plural -- defendants -- when talking to them.

5 THE COURT: Hopefu-ly I did not. During the last
6 questioning --

7 MR. DOWD: I think you used the word "defendants".

8 THE COURT: No. I asked, each defendant. At least,
9 I hope I did. If I did not, I will ask the question.

10 MR. DOWD: Thank you.

11 MR. PANZER: Your Honor, I get the impression that
12 your Honor is going to sequester the jury, and I would like
13 to know if that is your Honor's intention at this time.

14 THE COURT: Yes. I am going to order sequestration.

15 MR. PANZER: I just want to go on record, although
16 I previously did not oppose it, I am opposing it now, after
17 seeing what has happened.

18 THE COURT: Yes. I know it takes a longer time to
19 select a jury that is going to be sequestered. It's too
20 late now.

21 MR. MARTIN SIEGEL: Your Honor, I would like to bring
22 to your attention that I know Juror Number 7. Juror Number
23 7 and myself resided in the same apartment building. In fact,
24 Juror Number 7 resides in the same building as my parents
25 now. I have seen him on the elevator, spoken with him

1 MP

2 briefly.

3 THE COURT: All right. I once had a jury all
4 selected. The first Government witness came out and did a
5 double-take. Number 1 juror was his Boy Scoutmaster.
6 Boy, did that cause confusion.

7 All right. We will take our break, gentlemen. It
8 is cut down now to about four minutes. Let's take it.

T3pm

9 (Necess.)

10 MR. LOPEZ: Your Honor, may the United States
11 Attorney and myself approach the bench? Thank you, your
12 Honor.

13 (At the side bar:)

14 MR. LOPEZ: Your Honor, in behalf of the defense,
15 We would like to challenge for cause Jurors 1 and 17 on the
16 basis of their grand jury service. As a matter of fact,
17 I think it was Juror Number 1, Mr. Cheesboro, who indicated
18 that he had served in the Federal grand jury right in this
19 district, and we would like to challenge Number 7 on the basis
20 of the representations made by Mr. Siegel.

21 We don't want anything recurring during any of
22 these proceedings.

23 MR. CURRAN: We have no objection as to Number 7,
24 your Honor. The fact that he may have lived in the same
25 house with Mr. Siegel's parents -- the Government has no

1 MP

2 objection. I don't see any cause, sir --

3 MR. LOPEZ: He may run into a situation there that
4 may prove embarrassing.

5 THE COURT: Also, in connection with the sequestering.
6

7 MR. CURRAN: With respect to Number 1 and Number
8 17,, I don't believe that there has been any showing of cause
9 which would require their removal.

10 THE COURT: I don't believe that mere service on
11 the grand jury is cause to be stricken from the panel,
12 particularly since we now choose grand jurors from petit juror
13 lists.

14 I don't see how we can consider that a cause.

15 MR. LOPEZ: We would be prepared to make our
16 challenges.

17 (In open court:)

18 THE CLERK: Juror Number 1, Henry Cheesboro, is
19 excused.

20 Juror Number 3, August May, is excused.

21 Juror Number 4, Edward Rosse, is excused.

22 Juror Number 5, Rhoda Riegeluth, is excused.

23 Juror Number 17, Edie L. Crosby, is excused.

24 THE COURT: Mrs. Crosby, will you be good enough
25 to take the cards back to the jury room, please.

1 MP

2 All right. Those jurors who are excused, will you
3 please report back to the main jury room, across the hall.

4 THE CLERK: Juror Number 1 is now Lucy Hare.

5 Is that Miss or Mrs. ma'am?

6 PROSPECTIVE JUROR 1: Mrs.

7 MR. LOPEZ: Your Honor, I am sorry to interrupt.
8 May I approach the bench one more time with the United
9 States Attorney?

10 (At the side bar:)

11 MR. LOPEZ: Your Honor, most respectfully, just
12 to get the record right, do I understand that the jurors
13 now who are sitting as alternates are going to be moved
14 down?

15 THE COURT: No. We are going to fill up the holes.

16 MR. LOPEZ: We are going to fill up the holes, but
17 when it comes to selecting alternates, are we going to get
18 the additional number of objections to the twenty-eight we
19 have?

20 THE COURT: No. You have more than the statute
21 requires.

22 MR. LOPEZ: I understand that, but the only thing
23 is, we are addressing the challenges to the entire panel,
24 including the alternates, and therefore we would be normally
25 entitled to ten plus the challenges to the alternates.

1 MP

2 THE COURT: -- which would be three. Are you
3 looking for an extra three? Is that your thought? Is that
4 what you are talking about?

5 MR. LOPEZ: Yes.

6 THE COURT: When you have twenty-eight, the extra
7 three is almost de minimis.

8 MR. LOPEZ: Yes, but we have twenty attorneys
9 here, some of them with two opinions each. To make everybody
10 happy, the three additional challenges to the alternates --

11 THE COURT: All right, but they will be done in
12 one fell swoop. The Government will have the other three
13 normally.

14 MR. CURRAN: I wasn't quite clear on what your
15 Honor said just last. You are allowing how many more?

16 THE COURT: Three in a fell swoop, plus three for
17 the Government in a fell swoop.

18 MR. CURRAN: Their last challenges will be allowing
19 eight; is that the point?

20 THE COURT: Eight.

21 MR. CURRAN: Or six?

22 THE COURT: No.

23 MR. LOPEZ: Five and three. Oh, I see.

24 THE COURT: It will be five; then you have three
25 and the other three will make six.

1 MF

2 MR. CURREN: And then, you Honor, we will have
3 three the last time.

4 THE COURT: To make it easier, should I ask each
5 juror as they come up if they have any trouble with the
6 length of the trial and the sequestration, rather than seating
7 them and going through the whole thing?

8 (In open court:)

9 THE COURT: Mrs. Hare, you heard me this morning
10 asking about the length of the case and the possibility of
11 sequestration. Would that cause any undue hardship for
12 you?

13 PROSPECTIVE JUROR 1: None whatever.

14 THE CLERK: Juror Number 3 is now Gyda M. Strauss.
15 Is that Miss or Mrs, ma'am?

16 PROSPECTIVE JUROR 3: Mrs.

17 THE COURT: Mrs. Strauss, before you get in the jury
18 box, you heard me questioning this morning whether the
19 length of the trial or possible sequestration of the jury
20 would cause any undue hardship. Would that affect you,
21 ma'am?

22 PROSPECTIVE JUROR 3: It wouldn't cause --

23 THE COURT: It would not cause you any undue hard-
24 ship?

25 PROSPECTIVE JUROR 3: It would not.

1 MP

2 THE CLERK: Will you take the third seat.

3 Juror Number 4 is now Marian F. Belding.

4 Is that Miss or Mrs., ma'am?

5 PROSPECTIVE JUROR 4: Mrs.

6 THE COURT: Mrs. Belding, you heard me question
7 about the length of the trial and the possible sequestration
8 of the jury. Would that cause a possible undue hardship for
9 you?

10 PROSPECTIVE JUROR 4: Yes.

11 THE COURT: Come on up.

12 (Conference at the bench with Prospective Juror

13 Number 4.)

(In open court:)

14 THE COURT: Mr. Clerk, would you give Mrs. Belding
15 her card.

16 Mrs. Belding, would you report back to the jury
17 room across the hall.

18 THE CLERK: Juror Number 4 is now John C. Murphy.

19 THE COURT: Mr. Murphy, before you get into the
20 jury box, you heard me questioning this morning about the
21 length of the trial and the possible sequestration of the
22 jury. Would that cause any undue hardship to you?

23 PROSPECTIVE JUROR 4: Yes.

24 THE COURT: Come on up.

25 (Conference at the bench with Prospective Juror

1 MP -

2 Number 4.)

3 (In open court:)

4 THE COURT: Why don't you take your place in the
5 box, and let's see what happens.

6 THE CLERK: Prospective Juror Number 5 is Robert
7 P. Bertocchi, Jr.

8 THE COURT: Mr. Bertocchi, before you take your
9 place in the jury box, you heard me talk this morning about
10 the length of the trial and the possible sequestration,
11 Would that cause any undue burden on you, sir?

12 PROSPECTIVE JUROR 5: Yes.

13 THE COURT: Come up to the bench, please.

14 (Conference at the bench with Prospective Juror
15 Number 5.)

16 (In open court:)

17 THE COURT: All right. You are excused.

18 Mr. Clerk, will you give the juror his card.

19 Sir, would you report back to the jury room across
20 the hall.

21 THE CLERK: Juror Number 5 is now Thomas Armstrong.

22 THE COURT: Mr. Armstrong, before you take your
23 place in the jury box, you heard my questions this morning
24 about the length of the trial and the possible sequestration
25 of the jury. Do you feel that this would cause you an undue

1 MP

2 hardship?

3 PROSPECTIVE JUROR 5: No.

4 THE COURT: All right. Take your place, sir, in
5 the second seat from the end, in the first row.

6 THE CLERK: Juror Number 17 is Hedwig Jacob.

7 Is that Miss or Mrs. Jacob?

8 PROSPECTIVE JUROR 17: Mrs.

9 THE COURT: Mrs. Jacob, you heard my questions this
10 morning about the length of the trial and the possible seques-
11 tration of the jury. Would it cause you any undue hardship?

12 PROSPECTIVE JUROR 17: Yes.

13 THE COURT: All right. Come up to the bench.

14 (Conference at the bench with Prospective Juror
15 Number 17.)

16 (In open court:)

17 THE COURT: Mr. Clerk, will you give Mrs. Jacob's
18 card back to her. She is excused.

19 Would you report back to the jury room across the
20 hall.

21 THE CLERK: Juror Number 17 is James H. Paynter.

22 THE COURT: Mr. Paynter, before you take your
23 place in the jury box, you heard my questions this morning,
24 did you not, about the length of service in this case and
25 the possible sequestration of the jury?

1 MP

2 PROSPECTIVE JUROR 17: Yes.

3 THE COURT: Would that cause you any undue hardship?

4 PROSPECTIVE JUROR 17: It might.

5 THE COURT: All right. Why don't you come on up.

6 (Conference at the bench with Prospective Juror
7 Number 17.)

8 (In open court:)

9 THE COURT: All right. Give him back his card. He
10 is excused.

11 Would you report across the hall to the main jury
12 room.

13 THE CLERK: Juror Number 17 is Ida P. Welch.

14 THE COURT: Is that Mrs. or Miss Welch?

15 PROSPECTIVE JUROR 17: Mrs.

16 THE COURT: Mrs. Welch, before you get in the jury
17 box, you heard my questions this morning. Do you feel that
18 the length of the trial or possible sequestration would cause
19 you undue hardship?

20 PROSPECTIVE JUROR 17: No.

21 THE COURT: All right. Take your place in the last
22 row, the second seat in.

23 BY THE COURT:

24 Q Mrs. Lucy Hare --

25 A (P. J. 1) Yes.

1 MP

2 Q I believe you live in Manhattan; is that correct,
3 ma'am?

4 A Yes.

5 Q Have you lived there for the last five years?

6 A Yes.

7 Q Are you presently employed, ma'am?

8 A No.

9 Q Have you been employed in the last five years?

10 A Yes.

11 Q What did you do then?

12 A Chef. Cook.

13 Q Is your husband alive, ma'am?

14 A Yes.

15 Q And would you tell us what he does?

16 A He's a postman for the Government.

17 Q Mrs. Hare, when I was questioning the jury general-
18 ly and I said I expected generally negative answers, were
19 there any questions that you would have answered yes to?
20 For example, do you know any of the defendants, or do you
21 know the defense counsel?

22 A Oh, no.

23 Q Do you remember all those questions I asked?

24 A No; I wouldn't.

25 Q You don't know --

1 MP

2 A I remember the questions, but I wouldn't know
3 anyone.

4 Q Okay. Now, Mrs. Hare, could you tell us what
5 newspapers you usually read?

6 A Well, I read the News, sometimes the Times and
7 Amsterdam News and the news from Virginia.

8 Q And what news programs do you watch or listen to?

9 A Well, I vary. Mostly Channel 2 on television, and
10 I forget the name of the morning show, but mostly news.

11 Q Have you heard or heard anything about this case
12 or any of the defendants involved in the case?

13 A No, not to my knowledge.

14 Q Have you any prejudice, bias or sympathy for the
15 Government or for the defendants?

16 A For the Government?

17 Q Or for the defendants, one way or the other.

18 A No. I don't feel one way or another.

19 Q Do you feel that you could listen to the testimony
20 in this case and, based solely on the evidence that comes
21 in in this courtroom, that you could render a fair and im-
22 partial verdict?

23 A I feel I could.

24 THE COURT: All right. Fine.

25 Mrs. Strauss, you live in the Bronx?

1 MP

2 PROSPECTIVE JUROR 5: Yes.

3 BY THE COURT:

4 Q And have you lived there for the last five years?

5 A (P. J. 5) Yes.

6 Q Are you presently employed, ma'am?

7 A No. I am a housewife.

8 Q Have you been employed in the last five years?

9 A No.

10 Q Being a housewife is enough work for any person?

11 A Yes.

12 Q Will you tell us what your husband does?

13 A He is a photographer.

14 Q And has he been so employed for the last five
15 years?

16 A Yes.

17 Q Mrs. Staruss, what newspapers do you read?

18 A The Post and the Times.

19 Q And what news programs do you listen to?

20 A Eleven O'clock News, Channel 4.

21 Q Have you read or heard anything about this case or
22 the defendants in this case?

23 A No.

24 Q Do you have any prejudice, bias or sympathy either
25 for the Government or for the defendants in this case?

1 JHP

2 A No.

3 Q Do you feel that you could render a fair and im-
4 partial verdict solely upon the evidence that comes in at the
5 trial of this case and nothing else?

6 A Yes; I do.

7 THE COURT: Mr. Murphy, you live up in Chappaqua?

8 PROSPECTIVE JUROR 4: That's right.

9 BY THE COURT:

10 Q Have you lived there for the last five years?

11 A (P. J. 4) Yes.

12 Q I was going to mention the county, but I am fearful
13 that on northern counties I get lost a little bit.

14 A Westchester.

15 Q Could you tell us your present occupation, sir?

16 A I am an accountant with Mobil South, Inc., a
17 wholly-owned subsidiary of Mobile Oil Corporation.

18 Q Have you worked there for the last five years, sir?

19 A Yes.

20 Q Are you married?

21 A Yes.

22 Q Does your wife work?

23 A No.

24 Q She has the same job that Mrs. Strauss has?

25 A Yes.

1 JHP

2 Q Sir, would you tell us what newspapers you read?

3 A The Times, the Daily News and the Post.

4 Q And what --

5 A Wall Street Journal.

6 Q And what news programs do you listen to or watch?

7 A 4 and 7, interchangeably, and WOR in the morning.

8 Q Have you read or heard anything about this case
9 or the defendants in this case?

10 A Yes. Over the week end there was a news item.

11 Q All right. Just hold it right there.

12 Come on up.

13 (Conference at the bench with Prospective Juror
14 Number 4.)

15 THE COURT: I assume you challenge for cause.

16 MR. LOPEZ: Yes, your Honor.

17 THE COURT: The challenge is granted.

18 (In open court:)

19 THE COURT: Mr. Armstrong, you live in Manhattan;
20 is that correct, sir?

21 PROSPECTIVE JUROR 5: Yes.

22 BY THE COURT:

23 Q Mr. Armstrong, have you lived there for the last
24 five years?

25 A (P. J. 5) Yes.

1 JHP

2 Q Are you presently employed, sir?

3 A Yes.

4 Q What do you do?

5 A A packer.

6 Q You are a packer? Where?

7 A Gimbel Bros.

8 Q Are you married, sir?

9 A Yes.

10 Q Is that yes or no?

11 A Yes.

12 Q Is your wife employed, sir?

13 A Part time.

14 Q What does she do?

15 A Lunchroom, Board of Education.

16 Q Sir, what newspapers do you read?

17 A The News and the Post.

18 Q And what news programs do you listen to?

19 A 2 and 4.

20 Q Have you read or heard anything about this case
21 or any of the defendants in this case?

22 A Not that I recollect.

23 Q Do you have any prejudice, bias or sympathy either
24 for the Government or for the defendants in this case?

25 A No.

1 JHP

2 Q Do you conscientiously feel that you can listen
3 to the evidence as it comes in at this trial and render a
4 fair and impartial verdict, based solely on that evidence?

5 A Yes.

6 Q Mrs. Welch, I see you live up in the north country,
7 also.

8 A (P. J. 17) Westchester County.

9 Q You come from Valhalla?

10 A Yes; Westchester.

11 Q Have you lived there for the last five years, ma'am?

12 A Yes.

13 Q Are you presently employed?

14 A No. I am retired.

15 Q Could you tell us what you did before you retired?

16 A Yes. I was a high school librarian.

17 Q Did you work at that for five years prior to
18 retiring?

19 A Yes.

20 Q Mrs. Welch, is your husband employed?

21 A He is also retired. He was a commercial artist.

22 THE CLERK: Juror Number 4, John C. Murphy, is
23 excused.

24 THE COURT: Mr. Murphy, would you be good enough
25 to take this card back to the jury room across the hall.

1 JHP

2 THE CLERK: Juror Number 4 is now Thomas Marino.

3 THE COURT: Mr. Marino, before you take a place
4 the jury box, you have heard my questions about the length
5 of the trial and the possibility of sequestration of the ju
6 Would that cause you an undue hardship, sir?

7 PROSPECTIVE JUROR 5: No.

8 BY THE COURT:

9 Q Mr. Marino, I see you live in the Bronx.

10 A (P. J. 5) Yes.

11 Q Have you lived there for the last five years, sir?

12 A Yes.

13 Q Are you presently employed?

14 A Yes.

15 Q What do you do, sir?

16 A I am a clerk in the United States Postal Service.

17 Q Are you married, sir?

18 A Yes.

19 Q Is your wife employed?

20 A Yes, sir.

21 Q What does she do?

22 A She is a receptionist for a podiatrist.

23 Q Sir, would you be good enough to tell us what
24 newspapers you read?

25 A The Daily News, sometimes the Post and others.

1 JHP

2 Q And what news programs do you listen to?

3 A NBC, Channel 5 sometimes; sometimes 7.

4 Q Have you read or heard anything about this case
5 or the defendants in this case?

6 A Never have.

7 Q Would you have any prejudice, bias or sympathy
8 for either the Government or the defendants in this case?

9 A I don't think so.

10 Q Do you think that you could conscientiously return ...
11 a fair and impartial verdict, based solely on the evidence
12 as it comes in at this trial and on nothing else?

13 A I think I can.

14 Q I am not asking that you hang up your common sense,
15 but find the facts as they come from the evidence in this
16 case. Can you do that?

17 A Yes.

18 MR. LOPEZ: Your Honor, with the Court's indulgence,
19 could the additional five prospective jurors that have just
20 entered the box be asked, your Honor, with regard to any
21 friends in law enforcement -- I don't think that was asked,
22 your Honor -- with regard to any jury service, with regard to
23 any grand jury service.

24 THE COURT: All right. This is the day when my
25 voice gets the work-out.

1 JHP

2 Those who have just taken a place in the jury box:
3 are any of you related to or do you have a close friend
4 connected in any way with a law enforcement agency?

5 PROSPECTIVE JUROR 5: I had a brother just retired
6 from the Police Department.

7 THE COURT: New York City Police Department?

8 P. J. 5: Yes.

9 THE COURT: Anybody else?

10 PROSPECTIVE JUROR 1: I have a step son who is
11 employed -- but he's a guard or something. I really don't
12 know what he does. I hardly ever see him.

13 BY THE COURT:

14 Q He doesn't live with you?

15 A (P. J. 1) No.

16 Q You say you hardly ever see him?

17 A Hardly ever. He's just my stepson. He's grown.

18 THE COURT: Have any of the five of you ever been
19 a juror in a civil or criminal case or a grand juror in any
20 court, either Federal or State?

21 PROSPECTIVE JUROR 1: I have not.

22 PROSPECTIVE JUROR 4: Civil Court.

23 BY THE COURT:

24 Q You were a juror in the Civil Court?

25 A (P. J. 4) Yes.

1 JHP

2 Q Did you sit through to a verdict?

3 A Yes. One time.

4 Q What kind of a case was it, sir?

5 A It involved a man. He dropped dead while trying
6 to stop a leak in one of the pipes in his department.

7 Q Did you find a verdict for the defendant or for the
8 plaintiff?

9 A The plaintiff.

10 THE COURT: The next gentleman: You served as a
11 juror also?

12 PROSPECTIVE JUROR 5: I was an alternate in Criminal
13 Court. It went to a hung jury, twelve o'clock, midnight.

14 BY THE COURT:

15 Q You mean to say you stayed around to see what
16 would happen?

17 A (P. J. 5) David Rusk was there.

18 THE COURT: Is there anyone else who served as a
19 juror or grand juror?

20 MR. LOPEZ: One more question, your Honor. The
21 first was the grand jury. The second one, your Honor, is
22 whether the panel could be asked if any close friends or
23 immediately family have ever had any problems of narcotics
24 addiction or narcotics use, in other words, problems of
25 addiction, any members of their family, ever had any problems

1 JHP

2 involving narcotics addiction or use of narcotics.

3 THE COURT: I understand what you are saying, Mr.
4 Lopez.

5 MR. LOPEZ: Yes, your Honor.

6 THE COURT: I believe I asked the question about
7 the grand jury already.

8 MR. LOPEZ: Yes; you did, but not to the new
9 members.

10 THE COURT: Yes; I did. I asked them whether they
11 had been grand jurors or jurors.

12 MR. LOPEZ: Yes, your Honor. Now this last ques-
13 tion, your Honor.

14 THE COURT: I don't really see the necessity for it,
15 Mr. Lopez? No, I don't believe that that is an appropriate
16 question in this voir däre.

17 MR. PHILLIPS: Your Honor, may we approach the
18 bench?

19 THE COURT: Certainly. Mr. Lopez, come on up.

20 (At the side bar:)

21 MR. CURRAN: Your Honor, Juror Number 4, when your
22 Honor asked him whether he had any prejudice for or against
23 the defendants, his response was -- he hesitated briefly.
24 I think he said, "I don't think so."

25 If your Honor would clarify that --

1 JHP

2 THE COURT: I think what he was trying to say was
3 that he doesn't think so, but let him hear the evidence, and
4 then he might have all kinds of prejudice.

5 MR. CURRAN: Of course, that goes to the end of
6 the case. But he seemed to hesitate. Maybe you can ask
7 the question at the side bar.

8 THE COURT: Mr. Lopez, do you want it asked?

9 MR. LOPEZ: No; I don't want it asked. I think he
10 was trying to be super-careful.

11 THE COURT: I agree.

12 By the way, I received one voir dire question,
13 proposed voir dire question, concerning possible narcotics
14 addiction by members of the jurors' families or friends.

15 MR. LOPEZ: Yes, your Honor.

16 THE COURT: We have to ask so many questions,
17 expose so much of these jurors' personal lives, I don't be-
18 lieve we should get into that kind of situation at all. I
19 asked them all whether they know of anything that might
20 affect their service as a juror. I just feel that that is
21 enough.

22 I have been more than exhaustive with the voir
23 dire today. I certainly expected to get it finished before
24 this so I could get them out of here.

25 (In open court:)

1 JHP

2 MR. CURRAN: Your Honor, the Government waives
3 its second challenge.

4 THE CLERK: Juror Number 4, Thomas Marino, is
5 excused.

6 The Government waives its second challenge.

7 Juror Number 4 is now Julia Almodovar.

8 Is that Miss or Mrs., ma'am?

9 PROSPECTIVE JUROR 4: Mrs.

10 THE COURT: Mrs. Almodovar, you heard my question
11 this morning concerning the length of the trial and the pos-
12 sible sequestration of the jury. Would that cause an undue
13 burden to you, ma'am?

14 PROSPECTIVE JUROR 4: Yes.

15 THE COURT: Come on up.

16 (Discussion at the side bar with Prospective Juror
17 Number 4.)

18 (In open court:)

19 THE CLERK: Juror Number 4 is now Burton Purmell.

20 THE COURT: Mr. Purmell, before you take your place
21 in the jury box, you have heard my questions this morning
22 about the length of the case and also about the possibility
23 of sequestration. Would that cause an undue hardship for
24 you, sir?

25 PROSPECTIVE JUROR 4: It would.

1 JHP

2 THE COURT: All right. Come on up.

3 (Discussion at the side bar with Prospective Juror
4 Number 4.)

5 (In open court:)

6 THE COURT: Mr. Purlemm is excused.

7 THE CLERK: Juror Number 4 is Fay Sperling. Is
8 that Miss or Mrs., ma'am?

9 PROSPECTIVE JUROR 4: Mrs.

10 THE COURT: Mrs. Sperling, you have heard my ques-
11 tions directed to the length of the case and to possible se-
12 questration of the jury. Would that cause you an undue hard-
13 ship?

14 PROSPECTIVE JUROR 4: No; it would not.

15 THE COURT: All right, Mrs. Sperling, take your
16 place, third seat in from the end.

17 BY THE COURT:

18 Q Mrs. Sperling, I gather you live in Manhattan; is
19 that correct, ma'am?

20 A Yes.

21 Q Have you lived there for the last five years?

22 A Yes.

23 Q Are you presently employed?

24 A Yes, sir.

25 Q What do you do?

1 JHP

2 A Manage a store, a dress shop.

3 Q Have you been doing that for the last five years?

4 A Yes.

5 Q Tell me: is your husband alive?

6 A Yes.

7 Q Could you tell us what he does, please?

8 A He is retired right now.

9 Q Before his retirement, Mrs. Sperling, what did he d

10 A He was a finisher of ladies' clothes.

11 Q A finisher of ladies' clothes?

12 A Ladies' wear.

13 Q Mrs. Sperling, what newspapers do you read?

14 A The Times. Occasionally the News.

15 Q What news programs do you listen to?

16 A Channel 2, 4 and 7.

17 Q Have you read or heard anything about this case or
18 any of the defendants in this case?

19 A No.

20 Q Do you have any prejudice, bias or sympathy for
21 either the Government or the defendants?

22 A No, sir.

23 Q Do you feel that you could conscientiously return
24 a verdict based only on the evidence that you hear in this
25 trial?

1 JHP

2 A Yes.

3 Q And that that verdict would be fair and impartial?

4 A Yes, sir.

5 Q Mrs. Sperling, have you ever served as a juror in
6 a civil or criminal trial or as a grand juror?

7 A I did. -Four times.

8 Q You served four times?

9 A Civil Court.

10 Q All four times were in Civil Court?

11 A Yes.

12 Q Did you serve on any case right straight through to
13 a verdict?

14 A Yes.

15 Q What kind of a case was that?

16 A Automobile accident.

17 Q Did you find for the plaintiff or for the defendant?

18 A One time, the plaintiff; the other time, the defend-
19 ant.

20 Q One time plaintiff; one time defendant?

21 A And in one case there were three involved.

22 Q In one case there were three involved?

23 A Yes. Two for the plaintiff.

24 Q And the other one was for the defendant?

25 A Yes.

1 JHP

2 Q You never served as a grand juror, did you?

3 A No.

4 Q Mrs. Sperling, I asked some general questions while
5 you were still seated in the back. I did not see that you
6 indicated that you had any "yes" answer to any of those. Do
7 you remember the questions I asked about whether you knew the
8 various people involved and so on and so forth?

9 A I do remember them.

10 Q And you don't have any "yes" answer, I gather?

11 A No.

12 Q Do you have any relative who is a member of any
13 law enforcement agency?

14 A No.

15 Q A close friend?

16 A No.

17 THE COURT: Do you gentlemen wish to retire to the
18 room right there?

19 MR. LOPEZ: If we may.

20 (Pause.)

21 MR. LOPEZ: May we approach the bench, your Honor?

22 (At the side bar:)

23 MR. SIEGEL: Your Honor, if it may please the Court
24 Muror Number 7 resides at my parents' residence. I have seen
25 the man in the elevator on several occasions. I believe that

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2 he knows my parents, but I'm not sure.

3 I would ask, in all good conscience, to the Court
4 that he be dismissed for cause.

5 THE COURT: The motion is denied. If we are going
6 to sequester the jury, there will be no opportunity for this
7 juror to even run into your parents.

8 MR. SIEGEL: I am just concerned that he might have
9 knowledge prior.

10 THE COURT: No.

11 MR. LOPEZ: I know how anxious your Honor is to
12 finish the selection of the jury. Co-counsel have indicated
13 to me that they were relying on the ground rules set, which
14 your Honor set, and of course can do, and they made a
15 series of points in connection with this matter, and they have
16 asked me to beseech your Honor, to throw myself, I don't know
17 where, but in an effort to at least close at a reasonable
18 time, which would be like four-thirty or five o'clock to them.

19 THE COURT: Don't throw yourself any place. You
20 may be impaled. We still have members of the panel left.
21 I want to get through this panel.

22 You might think about this: If we fill the box again
23 and we don't complete the selection of the jury today, I have
24 already decided I am going to sequester the jury. I don't
25 have to answer off the top of my head.

1 MP

2 MR. LOPEZ: Well, I guess it has to be told to
3 them.

4 THE COURT: I don't know the answer, either. All
5 I want is for you fellows to think about it.

6 MR. LOPEZ: All right. In the next round we
7 will, and I will make that point to them.

8 (In open court:)

9 PROSPECTIVE JUROR 4: Your Honor, I recall your
10 questioning the jurors whether they were ever held up or
11 anything like that, and I do -- I was held up.

12 THE COURT: You were? Did you appear as a complain-
13 ant?

14 PROSPECTIVE JUROR 4: No. No; I didn't.

15 THE COURT: Did it go to any kind of formal pro-
16 ceeding?

17 PROSPECTIVE JUROR 4: No. I assure you that it
18 would have no bearing on any case in which I would serve as
19 a juror.

20 THE COURT: All right, Mrs. Strauss.

21 THE CLERK: Juror Number 5, Thomas Armstrong, is
22 excused. Juror Number 7, Howard Caughey is excused. Juror
23 Number 8, Jenny Schrage, is excused.

24 Juror Number 9, Mary King, is excused. Juror
25 Number 11, Elsie Wefer, is excused.

1 MP

2 THE COURT: Would you be good enough, Mr. Caughey,
3 to bring those cards back to the jury room.

4 THE CLERK: Juror Number 5 is now Ronnie J.
5 Hammer.

6 Is that Miss or Mrs. Hammer?

7 PROSPECTIVE JUROR 5: Miss Hammer.

8 THE COURT: Before you take your place in the jury
9 box, you will recall that I questioned the jurors at some
10 length this morning to see whether they would be unduly
11 burdened by the length of this trial and by the possible
12 sequestration of the jury.

13 Would you be unduly burdened?

14 PROSPECTIVE JUROR 5: Yes; I would.

15 THE COURT: Do you want to come up?

16 (Discussion at the bench with Prospective Juror
17 Number 5.)

18 (In open court:)

19 THE COURT: Would you give Miss Hammer her card.
20 She is excused.

21 MR. LOPEZ: Your Honor, Mr. Siegal has said to me
22 that he was in an accident and is in pain. Could we terminate
23 soon?

24 THE COURT: As soon as we get through with this
25 panel.

1 MP

2 THE CLERK: Juror Number 5 is excused.

3 Juror Number 5 is now Ernest Koller.

4 THE COURT: Mr. Koller, before you take your place
5 in the jury box, do you recall the questions I asked about
6 the possible length of the jury service and the sequestration?
7 Does that bother you, sir?

8 PROSPECTIVE JUROR 5: Yes.

9 THE COURT: All right. Come on up.

10 (Discussion at the side bar with Prospective Juror
11 Number 5.)

12 (In open court:)

13 THE COURT: Mr. Clerk, will you give Mr. Koller's
14 card back to him.

15 Mr. Koller, would you report back to the jury room,
16 across the hall.

17 THE CLERK: Juror Number 5 is now Simon Kovacic.

18 THE COURT: Mr. Kovacic, sir, you heard the ques-
19 tions which I asked about the length of the trial and the
20 possibility of sequestration. Would this impose any undue
21 burden upon you, sir?

22 PROSPECTIVE JUROR 5: Yes; it would.

23 THE COURT: All right. Come on up, and we'll talk
24 about it.

25 (Discussion at the side bar with Prospective Juror

1 MP

2 Number 5.)

3 (In open court:)

4 All right. Mr. Kovacic is excused.

5 Take your card across the hall, please.

6 THE CLERK: Juror Number 5 is now Raema Nunez.

7 Is that Miss or Mrs.?

8 PROSPECTIVE JUROR 5: Miss.

9 THE COURT: Miss Nunez, you heard my questions
10 about sequestration and the length of the trial. Would that...
11 affect you and cause an undue burden for you?

12 PROSPECTIVE JUROR 5: Yes, sir.

13 THE COURT: All right. Why don't you come up.

14 (Discussion at the bench with Prospective Juror
15 Number 5.)

16 (In open court:)

17 THE COURT: All right. You are excused.

18 THE CLERK: Juror Number 5 is Arturo D. Romano.

19 THE COURT: Mr. Romano, before you get into the
20 jury box, you have heard my questions concerning sequestra-
21 tion and the length of the case. Would that affect you?

22 PROSPECTIVE JUROR 5: Yes.

23 THE COURT: All right.

24 (Discussion at the side bar with Prospective Juror
25 Number 5.)

1 MP

2 THE COURT: Mr. Romano is excused.

3 Take your card, Mr. Romano, back to the jury room.

4 THE CLERK: Juror Number 5 is now Mary Collins.

5 Is that Miss or Mrs.?

6 PROSPECTIVE JUROR 5: Mrs.

7 THE COURT: Mrs. Collins, you have heard my comment
8 today about the length of the case and the possible sequestra-
9 tion of the jury. Would that unduly burden you, ma'am?

10 PROSPECTIVE JUROR 5: Yes.

11 THE COURT: All right. Come on up.

12 (Discussion at the side bar with Prospective Juror
13 Number 5.)

14 (In open court:)

15 THE COURT: You are excused. Please report directly
16 across the hall.

17 Mrs. Collins is excused, Mr. Clerk. Go ahead.

18 THE CLERK: Juror Number 5 is now Shirley Melnick.

19 THE COURT: Is that Miss or Mrs. Melnick?

20 PROSPECTIVE JUROR 5: Miss.

21 THE COURT: Miss Melnick, you have heard my ques-
22 tions concerning the length of the case and the possible se-
23 questration of the jury. Would that in any way unduly bur-
24 den you?

25 PROSPECTIVE JUROR 5: Yes.

1 MP

2 THE COURT: You think it would. All right. Come on
3 up.

4 (Discussion at the side bar with Prospective Juror
5 Number 5.)

6 (In open court:)

7 All right. You are excused. Bring your card back
8 to the jury room, please.

9 THE CLERK: Juror Number 5 is now Pearl Flam.

10 Is that Miss or Mrs. Flam?

11 PROSPECTIVE JUROR 5: Mrs.

12 THE COURT: Mrs. Flam, you have heard my questions
13 about the length of the case and the possible sequestration
14 of the jury. Would that unduly burden you?

15 PROSPECTIVE JUROR 5: Yes.

16 THE COURT: It would? Come on up.

17 (Discussion at the side bar with Prospective Juror
18 Number 5.)

19 (In open court:)

20 THE COURT: All right. You are excused. Bring
21 your card back to the jury room, please, Mrs. Flam.

22 THE CLERK: Juror Number 5 is now Bernard Gould.

23 THE COURT: Mr. Gould, you have heard my questions
24 concerning the length of the case and the possible sequestra-
25 tion of the jury. Would that cause an undue burden to you,

1 MP

2 sir?

3 PROSPECTIVE JUROR 5: Yes; it would.

4 THE COURT: Come on up.

5 (Discussion at the side bar with Prospective Juror
6 Number 5.)

7 THE COURT: All right. Mr. Gould is excused.
8 Call the next one.

9 THE CLERK: Juror Number 5 is now Manny Euringuez.

10 THE COURT: Mr. Euringuez, you heard my questions
11 about the length of the trial and the possible sequestration
12 of the jury. Would that unduly burden you, sir?

13 PROSPECTIVE JUROR 5: Yes.

14 THE COURT: All right. Why don't you come up.

15 (Discussion at the side bar with Prospective Juror
16 Number 5.)

17 (In open court:)

18 THE COURT: All right. Mr. Euringuez is excused.
19 Please return to the jury room.

20 Mr. Clerk, call the next juror.

21 THE CLERK: Juror Number 5 is now Joseph F.
22 Tierman.

23 THE COURT: Mr. Tierman, you have heard my questions
24 about the length of the case?

25 PROSPECTIVE JUROR 5: Yes, your Honor.

1 MP

2 THE COURT: And the possible sequestration of the
3 jury.

4 PROSPECTIVE JUROR 5: Yes, your Honor.

5 THE COURT: Would that impose an undue burden on
6 you?

7 PROSPECTIVE JUROR 5: It would, your Honor.

8 THE COURT: All right. Come on up.

9 (Discussion at the side bar with Prospective Juror
10 Number 5.)

11 (In open court:)

12 THE COURT: Mr. Tierman is excused.)

13 Mr. Clerk, call the next juror.

14 THE CLERK: Juror Number 5 is Eric Ciscart.

15 THE COURT: Mr. Ciscart, you have heard my ques-
16 tions about the length of the trial and the possible seques-
17 tration of the jury. Would that impose an undue burden on
18 you, sir?

19 PROSPECTIVE JUROR 5: It would.

20 THE COMRT: It would? Come on up.

21 (Discussion at the side bar with Prospective Juror
22 Number 5.)

23 (In open court:)

24 THE COURT: Mr. Ciscart is excused. Take your
25 card, please, and bring it back across the hall.

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2 THE CLERK: Juror Number 5 is now Frederick Carey.

3 THE COURT: Mr. Carey, you have heard my questions
4 concerning the length of the trial and the possible sequestra-
5 tion. Would that place an insuperable burden on you?

6 PROSPECTIVE JUROR 5: No, your Honor.

7 THE COURT: All right. Mr. Carey, would you take
8 your place, the second seat in the first row, from that end.

9 MR. LOPEZ: Your Honor, could Mr. Siegal be excused?
10 He is in a good deal of discomfort.

11 THE COURT: If he wants to not participate in the
12 jury selection, that is his business, but we will have to
13 go on.

14 THE CLERK: Juror Number 7 is now Ramon Troche.

15 THE COURT: Mr. Troche, you have heard my questions
16 concerning the length of the trial and the possible sequestra-
17 tion of the jury. Would that unduly burden you?

18 PROSPECTIVE JUROR 7: Yes.

19 THE COURT: Come on up.

20 (Discussion at the side bar with Prospective Juror
21 Number 7.)

22 (In open court:)

23 THE COURT: Mr. Troche is excused.

24 THE CLERK: Juror Number 7 is now Dorothy Sumpf.
25 Is that Miss or Mrs.?

1 JHP

2 PROSPECTIVE JUROR 7: Mrs.

3 THE COURT: Mrs. Sumpf, do you feel that the
4 possible length of the case and the possible sequestration of
5 the jury would unduly burden you?

6 PROSPECTIVE JUROR 7: Yes.

7 THE COURT: Some on up.

8 (Discussion at the side bar with Prospective Juror
9 Number 7.)

10 (In open court:)

11 THE COURT: Mrs. Sumpf is excused.

12 THE COURT: Juror Number 7 is now Paul Raul.

13 THE COURT: Mr. Raul, you heard my questions con-
14 cerning the length of the case and the possible sequestration
15 of the jury. Would that cause an undue burden for you?

16 PROSPECTIVE JUROR 7: Yes, sir.

17 THE COURT: Would it? Why don't you come up.

18 (Discussion at the side bar with Prospective Juror
19 Number 7.)

20 (In open court:)

21 THE COURT: Mr. Raul is excused.

22 THE CLERK: Juror Number 7 is now Luis Quinones.

23 THE COURT: Mr. Quinones, you have heard my ques-
24 tions concerning the length of the trial and the possible
25 sequestration. Would that unduly burden you, sir?

1 JHP

2 PROSPECTIVE JUROR 7: Yes.

3 THE COURT: Come on up.

4 (Discussion at the side bar with Prospective Juror
5 Number 7.)

6 (In open court:)

7 THE COURT: Mr. Quinones is excused.

8 THE CLERK: Juror Number 7 is now Athena Bochbot.
9 Is that Miss or Mrs.?

10 PROSPECTIVE JUROR 7: Mrs.

11 THE COURT: Mrs. Bochbot, you have heard my ques-
12 tions about the length of the trial and the possible seques-
13 tration of the jury. Would that cause any great difficulty
14 to you?

15 PROSPECTIVE JUROR 7: I believe it would, your
16 Honor.

17 THE COURT: All right. Come on up.

18 (Discussion at the side bar with Prospective Juror
19 Number 7.)

20 (In open court:)

21 THE COURT: Would you take the first seat in the
22 second row, please.

23 THE CLERK: Juror Number 8 is Ramons C. Rosa.
24 Is that Miss or Mrs.?

25 PROSPECTIVE JUROR 8: Mrs.

1 JHP

2 THE COURT: Mrs. Rosa, you have heard my questions
3 about the length of the trial and the possible sequestration
4 of the jury. Would that put an undue burden on you, ma'am?

5 PROSPECTIVE JUROR 8: Yes.

6 THE COURT: Come on up.

7 (Discussion at the side bar with Prospective Juror
8 Number 8.)

9 (In open court:)

10 THE COURT: Mrs. Rosa is excused. Call the next
11 juror, please.

12 THE CLERK: Juror Number 8 is now Benjamin
13 Magistro.

14 THE COURT: Mr. Magistro, you have heard my
15 questions as to the length of the trial and the possible se-
16 questration of the jury. Sir, do you feel that that would
17 cause you a great deal of inconvenience?

18 PROSPECTIVE JUROR 8: Yes.

19 THE COURT: Come on up.

20 (Discussion at the side bar with Prospective Juror
21 Number 8.)

22 (In open court:)

23 THE COURT: Mr. Magistro^o is excused. Call the
24 next juror, please.

25 THE CLERK: Juror Number 8 is now Ita Joskowicz.

1 JHP

2 Is that Miss or Mrs.?

3 PROSPECTIVE JUROR 8: Miss

4 THE COURT: Miss Joskowicz, you have heard my ques-
5 tions about the length of the trial and the possible seques-
6 tration. Do you think that that would unduly burden you?

7 PROSPECTIVE JUROR 8: Yes.

8 THE COURT: Why don't you come up and tell me about
9 it.

10 (Discussion at the side bar with Prospective Juror--
11 Number 8.)

12 (In open court:)

13 THE COURT: Miss Joskowicz is excused. Call the
14 next juror, please.

15 THE CLERK: Juror Number 8 is Bruce Downer.

16 THE COURT: Mr. Downer, you have heard my ques-
17 tions concerning the length of the trial and possible seques-
18 tration of the jury. Would that cause you any undue burden,
19 sir?

20 PROSPECTIVE JUROR 8: No.

21 THE COURT: All right. Take the second seat in
22 the second row.

23 THE CLERK: Juror Number 9 is Mitchell Harris.

24 THE COURT: Mr. Harris, you have heard my questions
25 about the length of the trial and possible sequestration of

1 JHP

2 the jury. Would that cause you any undue burden, sir?

3 PROSPECTIVE JUROR 9: It would.

4 THE COURT: Why don't you come up?

5 (Discussion at the side bar with Prospective Juror
6 Number 9.)

7 (In open court:)

8 THE COURT: Mr. Harris is excused.

9 THE CLERK: Juror Number 9 is now Godfrey M. James,
10 Jr.

11 THE COURT: Mr. James, before you take your place
12 in the jury box, you have heard my questions about the length
13 of the trial and possible sequestration of the jury. Would
14 that unduly burden you, sir?

15 PROSPECTIVE JUROR 9: Yes; it would.

16 THE COURT: Come up.

17 (Discussion at the side bar with Prospective Juror
18 Number 9.)

19 (In open court:)

20 THE COURT: Mr. James is excused. Mr. James, go
21 back to the central jury room, please.

22 THE CLERK: Juror Number 9 is now William B. Baird.

23 THE COURT: Mr. Baird, you have heard my questions
24 about the length of the trial and the possible sequestration
25 of the jury. Would that unduly burden you, sir?

1 JHP

2 PROSPECTIVE JUROR 9: Yes, sir.

3 THE COURT: Come on up.

4 (Discussion at the side bar with Prospective Juror
5 Number 9.)

6 (In open court:)

7 THE COURT: Mr. Baird is excused.

8 Are there any other members of the jury panel still
9 left?

10 Mr. Clerk, would you be good enough to escort the
11 jurors presently in the jury box to the jury room.

12 Ladies and gentlemen, I think you will be there
13 for about fifteen minutes. I am going to try and work out
14 some problems with counsel for both sides during the time
15 you are are absent.

16 (Pause.)

17 THE COURT: Mrs. Ross and gentlemen, I believe you
18 recognize that we have exhausted the panel. I believe there
19 were 125 which were brought to us this morning. My question,
20 since I am going to order the sequestration of the jury, I
21 want you to take a few moments and think about sequestering
22 the still unformed jury that we have sitting in the jury box.

23 Mr. Lopez?

24 MR. LOPEZ: Yes, your Honor. We have taken an
25 informal caucus on this matter, and it appears that the general

1 JHP

2 consensus of opinion is that the jury not be sequestered this
3 evening but that they be very seriously instructed by the
4 Court that they are not to read any newspapers or watch any
5 television programs containing any news.

6 THE COURT: Let me tell you right now I assume
7 that most newspapers contain news, but somebody was good or
8 bad enough to pick up a copy of this evening's paper, and
9 there is a story about this case in the paper.

10 I am suggesting, Mr. Lopez, that there may be
11 and most likely will be newspaper stories, since they have
12 already started. Maybe we ought to reconsider.

13 MR. LOPEZ: Yes, your Honor. Of course, we have
14 made certain motions, applications, and we still have several
15 others regarding pre-trial publicity and the fact that some
16 of this pre-trial publicity is being credited to sources
17 within the United States Attorney's office, your Honor. We
18 are concerned with that.

19 THE COURT: The Post this evening has nothing about
20 the United States Attorney in it.

21 MR. LOPEZ: I was referring to other offices, your
22 Honor.

23 THE COURT: It has something about me.

24 MR. LOPEZ: Your Honor, I am advised by my col-
25 leagues that in view of what your Honor has indicated, that

1 JHP

2 we sequester the jury.

3 THE COURT: Any objection, Mr. Curran?

4 MR. CURRAN: No objection, your Honor.

5 THE COURT: I guess the only people that would
6 have an objection at this point would be the Marshal's
7 office.

8 Why don't we take a ten-minute break. I don't know
9 if you folks have ever seen an order of sequestration or
10 even heard one read.

11 I will tell you, if you are going to wait around
12 to heard the order of sequestration read, it's going to take
13 some time. There are over nineteen paragraphs.

14 Mr. Siegal indicated that he is feeling sickly.

15 MR. SIEGAL: I have been sick.

16 THE COURT: Mr. Siegal, if you would like to leave
17 now, it's perfectly okay with me. You know what is going to
18 happen. Is there anybody else who wants to leave? If so,
19 I would appreciate it, Mr. Lopez, if you would stay here,
20 so that if I make an error in the order of sequestration,
21 you will be good enough to point it out.

22 MR. LOPEZ: I will do it right away, Judge.

23 THE COURT: All right. Let's take ten.

24 (Recess.)

25 (Jury in box:)

t7pm

1 JHP --

2 THE COURT: Ladies and gentlemen, as perhaps you have
3 noticed, there is an absence of a jury panel in the court-
4 room at this point.

5 It has been decided by me that at this point we
6 will stop and finish the selection of a jury tomorrow morning.
7 There is for my consideration the question of the pre-
8 sequestration of the jurors and alternate jurors in this case.
9 Upon consideration, I am of the opinion that at least for a
10 limited time, beginning right now, total sequestration should
11 be ordered to insure a fair trial by the partial jury and to
12 insulate the jury from any extra-judicial statements and
13 from any such other matters that might interfere with their
14 ability to render a fair verdict in the trial of this case.

15 Under the circumstances, you are still veniremen
16 and have not yet been sworn in as jurors, but it has been
17 decided that a sequestration will apply at least for tonight
18 as to you.

19 Accordingly, it is ordered as follows:

20 The jurors and the alternate jurors in this case
21 shall be sequestered and shall be kept in custody of the
22 United States Marshal for the Southern District of New
23 York in a safe and convenient place as the marshal in his
24 discretion shall arrange until such time as this order may
25 be changed, amended or modified by further order of this

1 JHP --

2 Court

3 The marshal shall make arrangements with the jurors
4 to allow them to --

5 Let's put it this way: The marshal shall promptly
6 make necessary arrangements with the jurors. He shall make
7 all appropriate arrangements for the transit of the jurors
8 to and from this courthouse to and from the place so chosen
9 for sequestration. The sequestration will become effective
10 with the swearing of the deputy marshals as bailiffs.

11 During the period of sequestration, the marshal
12 shall provide to each of the jurors and alternate jurors so
13 sequestered breakfast, luncheon and dinner meals and shall
14 arrange for their transportation to and from this court-
15 house and to and from such restaurants where the jurors shall
16 take their meals and their place of lodging described above.

17 The marshals shall safely keep the jurors and shall
18 not suffer any non-jury person to converse with them or come
19 in contact with any jurors except as otherwise provided by
20 me.

21 No marshal or deputy marshal shall comment to the
22 Government or defense counsel on the issues of this case
23 to or in the presence of any juror.

24 Any communication with the Court which a juror
25 wishes to make shall be in writing, placed in a sealed

1 JHP

2 envelope and delivered to me promptly by the marshal.

3 Now, I believe, at least right now, it is appropri-
4 ate that you be permitted to telephone your next of kin to
5 advise them as to what is going on, but those phone calls
6 will be monitored by the Marshal.

7 I am instructing you that you are not to discuss
8 the case with anyone while you are sequestered, at least over-
9 night.

10 You will be permitted to read the current newspapers
11 However, the Marshals shall delete from those newspapers in
12 advance --

13 JUROR NUMBER 6: Excuse me, your Honor. I heard
14 a bulletin this morning on this case.

15 THE COURT: Just hold on. Let me finish this.

16 The Marshals shall read in advance these newspapers
17 and shall delete from them any article relating in any
18 way to crime, to civil or criminal litigation, and you jurors
19 should know that those deletions are made by direction of
20 the Court.

21 The Marshals shall arrange that television and
22 radio facilities will be available. However, the jury is
23 advised that they will not be permitted to view any news-
24 casts or other news programs which may in any way refer to
25 this case or any other criminal case.

1 JHP

2 The Marshals shall arrange for awaking the jurors
3 so that there is ample time for the jurors to be transported
4 to this courthouse and be available at ten o'clock tomorrow
5 morning.

6 While the normal sequestration only requires that
7 the marshal shall provide food, in the sense of three meals
8 a day, I am requesting the marshal in this situation to
9 provide some type of modest refreshment during the evening
10 hours, such as a coke, a glass of milk or a cup of tea.

11 In view of the fact that I recognize that some
12 people tend to use and like alcoholic beverages, I am in-
13 structing the marshal to permit jurors, this evening, at
14 least, to have two cocktails or two highballs or two bottles
15 of beer or whatever it may be, and that will be at the ex-
16 pense of the individual juror.

17 Now, I will file a more detailed order of sequestra-
18 tion if it appears that further sequestration is required.
19 In that order, I will provide for much more than I am doing
20 in this short, one-evening sequestration, and if I decide
21 to go ahead with the sequestration for example, I would ask
22 you to elect a social and activities chairman so that we can
23 make arrangements to do things that you might like to do and
24 that I might be able to suggest that might be fun, innocent
25 fun, and take away the burden which I recognize the sequestra-

1 JHP

2 tion will produce.

3 Will the deputy marshals please step forward and
4 be sworn.

5 (The deputy marshals were duly sworn.)

6 THE COURT: All right. Now, you understand that
7 these are still veniremen, and they are to be treated as if
8 you have a complete sequestration order filed. I will do
9 that eventually.

10 May I have the jury board?

11 Mrs. Bochbot -- this is one of the problems. You
12 started to say that you heard a bulletin. What is it about?
13 About this case?

14 JUROR NUMBER 6: Yes. Now, why do I know that
15 it's the case? Being that I am an opera singer, I spent
16 many years abroad in the Mediterranean, and the names were
17 given today. You hear names of a certain origin --

18 THE COURT: You are not --

19 JUROR NUMBER 6: I am telling the truth, your
20 Honor. Living in -- can I state it? Living in Italy as
21 many years as I did and speaking fluent Italian, I have
22 very emotional problems and certain ideas about certain ele-
23 ments of the Italian and Sicilian people.

24 THE COURT: Mr. Lopez, do you challenge for cause?

25 MR. LOPEZ: Yes, your Honor.

1 MP

2 THE COURT: All right. It is granted. You are ex-
3 cused. Report to the jury room tomorrow morning, please.

4 JUROR NUMBER 6: Do I need my card?

5 THE COURT: We will take care of it. You are
6 excused.

7 ALTERNATE JUROR 2: Can I talk to you for a minute,
8 please?

9 THE COURT: Surely.

10 ALTERNATE JUROR 2: As I said before, I have my
11 own business, and I have no one else to take care of the
12 things that have to be taken care of. I live alone. This
13 would be a real difficult thing for me, to take care of my
14 business. In fact, it's very bad for the business. In fact,
15 I might lose it.

16 THE COURT: You say you have no manager or anything
17 like that?

18 ALTERNATE JUROR 2: No one that can do the work
19 of the checks and the packs and so on, checking of the money
20 and so on. No one -- Otherwise, there's no one to run it.
21 I would have to close up.

22 THE COURT: You should have told me before.

23 ALTERNATE JUROR 2: You said -- I understand. You
24 said there was a possibility.

25 THE COURT: Well, I didn't want to take a chance

1 MP

2 with the publicity. Usually, nothing happens.

3 Mr. Jeller is excused. Report tomorrow to the jury
4 room.

5 ALTERNATE JUROR 2: Should I bring the card there
6 now?

7 THE COURT: No.

8 All right. Ladies and gentlemen, I will leave
9 you in the custody of the marshals. Of course, there will
10 be female marshals, who are coming up and will be sworn. I
11 think until they are sworn it would be easier if you stayed
12 in the jury room behind this courtroom, and the marshal will
13 go with you.

14 Would you arrange to have the female marshals and
15 the other people assigned to this duty come up. It would be
16 simpler to do it now.

17 THE MARSHAL: We are making arrangements now.

18 THE COURT: All right, ladies and gentlemen, would
19 you go with the marshals, please.

20 (Adjourned to January 22, 1974, at 10:00 a.m.)

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24
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UNITED STATES OF AMERICA

vs.

CARMINE TRAMUNTI, et al.

New York, January 22, 1974,
10:00 a.m.

Trial resumed.

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(In open court.)

THE COURT: Ladies and gentlemen, Mr. Lopez, Mr. Curran, Mr. Phillips and I were discussing the possibility of expediting the selection of the jury. Various proposals were made by me and how it could be done. We have discussed the matter, and I have agreed to continue the selection of the jury the same way that we have been doing.

There is one question. Since we have to start with a new jury panel after we finish up the three people who were selected last night, would anyone object to the jurors in the box being excused while I take excuses from the other jurors from the other panel?

Mr. Siegal?

MR. SIEGAL: I have no objection, but where

are they going to go?

THE COURT: Just sit in the jury room.

MR. SIEGAL: I have no objection to that, but I want to say, I hope your Honor will excuse me if I don't get up.

MR. ELLIS: Your Honor, when you say excuse the jurors in the box, will you have them in the courtroom?

THE COURT: No, the plan is to put them in the jury room.

MR. ELLIS: Your Honor, there has been such a gap between the hearing of some of these questions, the jurors going in and out of the room, I think that if they hear the questions again, it might prod their memory.

THE COURT: All right. May I suggest to you gentlemen, in connection with the selection of a jury, the only time that I know of in American history or American literature where an advocate got exactly the jury that he wanted is to be found only in the case of "The Devil and Daniel Webster," and as you may recall, the man who got the jury lost.

MR. LOPEZ: Your Honor, most respectfully I would like to call the court's attention to the matter in behalf of all the defendants in the matter of pre-trial publicity. In recent days, since the commencement

1 of the pretrial hearings on the motion to suppress,
2 and particularly on the day before and on the same day
3 that this case was to commence with the section of the
4 jury, the case has been exposed to wide publicity
5 through the radio media and through television media.
6 It wasn't simply an announcement, your Honor, that the
7 trial was about to commence, but, as a matter of fact,
8 it highlighted and mentioned the fact that millions of
9 dollars worth of drugs were being transacted, and it
10 referred to that specifically.

11 In addition, your Honor, once again the Daily
12 News has been publicizing the trial. I don't think that
13 the newspaper articles as they have appeared, your Honor,
14 can be even considered fair comment since they continu-
15 ally mention the records of some of the defendants, why
16 they were in jail, who is involved, the fact that one of
17 the defendants here on trial, your Honor, is the head
18 of one of the five crime families in the New York-New
19 Jersey area --

20 THE COURT: Mr. Lopez, do they say that he
21 is the head?

22 MR. LOPEZ: Well, one of the heads, your
23 Honor.

24 Another thing too, your Honor, one of the de-

1
2 defendants on trial here -- it is quite curious --
3 there's an article that appears in the Daily News of
4 January 19, 1974 -- and I will offer all of these as
5 exhibits -- says that, the heading, "Tramunti Loses Bid
6 To Keep \$1 Million Out Of Trial."

7 While he joined in the motion like the 18 or
8 19 other defendants did, he was hardly part of it. As
9 a matter of fact, his attorney didntt ask questions in
10 the course of the examination. He wasn't involved in
11 it at all. It is this kind of comments which is so
12 prejudicial. I would like to include in the pretrial
13 proceedings here the previous article in the Daily News
14 which has already been submitted to your Honor as a
15 court exhibit. I would like to introduce as another
16 court exhibit, your Honor, the New York Daily News, copy
17 of January 19, 1974, which appeared on Saturday and which
18 is entitled as I have previously indicated, "Tramunti Loses
19 Bid To Keep \$1 Million Out of Trial."

20 Furthermore, I would like to call the court's
21 attention, I think the court has read the New York Post
22 article of yesterday, January 21, 1974, in which a key
23 defense witness was called a liar and comment is made on
24 the court's opinion in connection with the motion to
25 suppress. That again is called "The Traamunti Drug Trial

Opening," and that, of course, as I have indicated is the New York Post, January 21, 1974.

I would also like to include as a court exhibit, New York magazine, which, as the court is aware, has had extensive articles on the matter of drugs, bribes, etc.

THE COURT: This is another one?

MR. LOPEZ: This is another one. It just appeared on the newsstands today, your Honor, in the New York magazine of January 28, 1974," and on the cover we have "The Mafia Becomes An Equal Opportunity Employer" and which cites that Italians and blacks are now the cornerstone of the crime syndicate here in New York, and, of course, as we look around the courtroom we see in our own little trial, your Honor, nothing but Italians and blacks, practically speaking.

THE COURT: Not all of them.

MR. LOPEZ: He's the exception that proves the rule.

Your Honor has taken precautions in sequestering the jury. We appreciate that. However, in view of the pretrial publicity, your Honor, unquestionably, once this trial progresses it is quite possible that the memory of the jurors who have participated and will be

selected and recollections of the matter of the French Connection, the \$1 million which they have been exposed to in the last many months that the Nadjari investigation has been going on, they may recall things later on which of course will prejudice the defendants.

In view of this, your Honor, we ask for alternatively, one, a dismissal of the indictment, and, two, a change of venue.

THE COURT: Mr. Clerk, will you have the exhibits marked, please, as court exhibits.

MR. LOPEZ: Your Honor, I would like to point out, of course, I think that it is common knowledge that the Daily News has a circulation of several millions. The New York magazine is an extensively read magazine in New York City. It is quite prominent. It has a mail circulation and also has a circulation on the streets, and likewise the New York Post reaches a multitude of families here in New York City, as the prospective jurors themselves have themselves indicated, that they are aware of these newspapers, besides the radio and the television.

In addition to the options that the defense has urged upon the court, that is, the dismissal of the indictment or the change of venue, the application in

the alternative is also made for a continuance.

Thank you.

THE COURT: Do you wish to reply?

MR. CURRAN: Very briefly, your Honor, the government's response is that, first, I don't know whether Mr. Lopez is suggesting that your Honor attempt to throttle the press, because as your Honor knows, you can't. This office has scrupulously adhered to Rule 8 of the Crime Rules of this court and it is quite clear from what's happened in the voir dire that your Honor conducted yesterday that the careful voir dire of the jury which your Honor is conducting will take care of any possible publicity problems that may exist and for those reasons, your Honor, the government submits the motions for the various relief requested should be denied.

THE COURT: The motion is denied.

MR. LOPEZ: One other application, your Honor.

THE COURT: All right.

MR. LOPEZ: With the court's permission, your Honor, I would like the record to note, the court consenting, that there will be two additional attorneys that have joined the defense, your Honor, assisting counsel who are representing defendants here. The first is Mr. Gilbert Epstein of 253 Broadway, New York City, New York,

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2 who will be assistant Mr. Siegal in the representation
3 of Mr. Tramunti, and I would also like to indicate to
4 the court with the court's permission that Mr. Matthew
5 Salkow will be assisting me in the representation
6 of Mr. DiNapoli with the court's permission.

7 THE COURT: You have the court's permission.

8 MR. LOPEZ: Thank you very much.

9 MR. EPSTEIN: Thank you, your Honor.

10 MR. LOPEZ: Your Honor, Mr. King would like
11 to make an application to your Honor personally and I
12 ask permission for him to address the court.

13 THE COURT: Yes, Mr. King.

14 MR. KING: I believe, your Honor, that Mr.
15 Lopez at my suggestion yesterday asked your Honor to ques-
16 tion the jury whether any of their children were addicts
17 or users and I think you refused to put the question to
18 them. On giving the matter thought overnight I feel
19 that's of great import and I specifically would like to
20 ask your Honor to put the aquestion to the jury specifical
21 "Do any of you have children or relatives who are users
22 or addicts of drugs?" And may I say, Judge, that I
23 feel that any of the jurors who do have such relatives
24 would have a very bitter prejudice, regardless of what
25 they tell your Honor, against these defendants which

would, I think, interfere with their careful deliberation in the jury room, and I respectfully ask your Honor to reconsider your refusal to ask that question.

THE COURT: Mr. King, the question was brought to my attention yesterday and before yesterday by someone who submitted voir dire questions. I believe that we go into the background of these jurors quite a bit and at the end you will note I have asked the jurors generally if there is anything that they feel which they should bring to the court's attention which might prejudice them from rendering a fair and impartial verdict.

Under the circumstances, I think we go far enough. I am sorry, Mr. King, but your application is denied.

MR. KING: May I just make one more request, your Honor --

THE COURT: Surely.

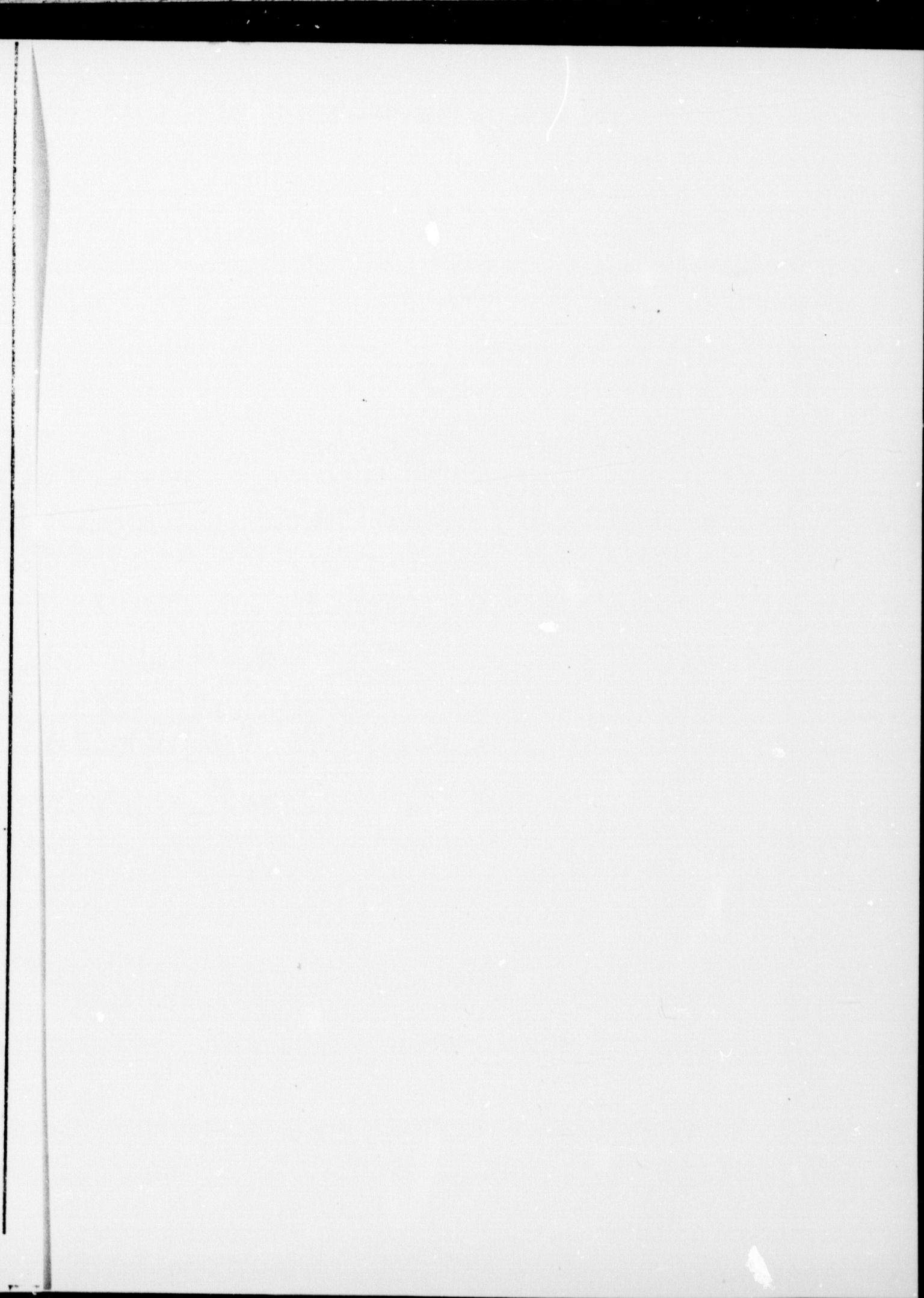
MR. KING: -- that you ask the jurors: "Do you believe that you can give a defendant who is charged with any narcotic violation -- that you would be so prejudiced that you could not give the defendant a fair trial?"

THE COURT: I think that's covered by the

1
2 words, Mr. King. I prefer to use my own.

3 MR. KING: Thank you, Judge.

4 MR. LOPEZ: Judge Duffy, one more request
5 and that is the request before we go on to the work
6 of today. Would it be possible for your Honor in his
7 inquiry of the prospective jurors to indicate to them
8 whether they are prepared to render individual verdicts
9 against each respective defendant depending upon the
10 evidence? I think there has been a tendency --
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1 THE COURT: I understand that. It was brought
2 to my attention yesterday. I am very happy to be reminded
3 about that. I will try to be very explicit about that,
4 the fact that each individual is to be considered individual
5 ly. They must weigh the evidence with respect to each
6 individual separately. I appreciate that, Mr. Lopez.
7

8 MR. LOPEZ: Thank you.

9 (Court's Exhibits 1, 2, 3 and 4 marked.)

10 MR. ELLIS: Your Honor, before we go on to the
11 business of today, I would like to call the Court's attention
12 to what perhaps is an inadvertent disparity of the particulars
13 afforded the various defendants.
14

15 Last week your Honor entered an order with
16 respect to, I believe, four defendants who are not part of
17 a substantive count and who are not mentioned in an overt
18 act. You required the government to give such particulars
19 as would be the equivalent of an overt act, including the
20 time, the place and the persons present at such act.
21 For Mammone, in the original indictment he was not part
22 of any overt act. He was subsequently mentioned in an
23 overt act, which indicated that some time in November,
24 1970, he went to the Beach Hill Club, and we were furnished
25 with a particular that said that the purpose of that trip
to the club was to assist Inglesse in counting some money.

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2 My point is, your Honor, that we do not have the
3 persons present at the commission of that act. I would
4 like to have that.

5 THE COURT: All right. Let me think about it.
6 for a while.

7 MR. DOWD: Your Honor, would it be perfectly
8 good enough just to repeat the names of the new people in
9 the box who were selected just before we closed?

10 THE COURT: Surely.

11 MR. PHILLIPS Your Honor, I have one matter
12 that I would like to put on the record.

13 THE COURT: Go ahead, Mr. Phillips.

14 MR. PHILLIPS: Your Honor is aware that the
15 government has turned over certain debriefing tapes of
16 government witnesses to defense counsel, these tapes having
17 been made by members of the New York City Police Department,
18 specifically the Special Investigations Unit.

19 Yesterday, at approximately ten minutes to two,
20 as I was returned to court, I was informed by a Sergeant
21 of the Special Investigations Unit, now known as the
22 Major Investigations Squad, that there were additional
23 tapes relating to government witness Frank Stas...

24 I attempted last night -- I listened to most of
25 those last night, and it is the government's position that

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2 some of most of these tapes are 3500 material. As a result,
3 I have made arrangements with the Drug Enforcement Agency
4 to have these tapes copied today, 18 copies made of the
5 tapes. There is a total number of 12 tapes, of 11
6 of which no transcript has been made; of one, a full
7 transcript was made by the Police Department, which I
8 have and am making copies of and will make available to
9 defense counsel.

10 I am informed that the copying of the tapes
11 will be completed today and that the copies can then be
12 turned over to defense counsel.

13 These copies are being made at the government's
14 expense.

15 THE COURT: Mr. Phillips, are there any partial
16 transcripts of the other tapes?

17 MR. PHILLIPS: There were partial transcripts that
18 were made last night, and they will be Xeroxed and turned
19 over.

20 MR. FISHER: Were these recordings on cassettes
21 or reel to reel?

22 MR. PHILLIPS: Cassettes.

23 MR. FISHER: May I inquire of the Court when the
24 government intends to call Mr. Stasi in the order of wit-
25

1 pp

2 nesses?

3 THE COURT: What counsel is asking, Mr. Phillips --
4 and check me if I am wrong -- is whether they will have an
5 opportunity to review these tapes before Mr. Stasi is
6 called.

7 MR. FISHER: That is right, your Honor.

8 THE COURT: Hopefully, we will finish the
9 selection of the jury today. I am not going to have
10 openings today, so that means openings will go on tomorrow.
11 I am not going to restrict any attorney in his opening at
12 all, so I am basically reserving tomorrow for openings.
13 That puts everything off until Thursday.

14 Now, Mr. Phillips, you go on from there.

15 MR. PHILLIPS: Well, I will make this statement,
16 that Stasi will appear towards the early part of the govern-
17 ment's case, not at the very beginning.

18 MR. DOWD: Your Honor, in respect to the inform-
19 ants, Mr. Barnaba and the others, I would ask that the
20 government be required to turn over to us their rap sheets
21 or their yellow sheets, information relating to their past
22 criminal record of criminal activities, which I think will
23 materially affect their credibility and therefore come
24 within the scope and purview of Brady vs. Maryland and
25 subsequent cases, because the credibility of an important

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2 government witness is an important issue in this particular
3 case, and I would ask that that information be turned
4 over to us.

5 MR. PHILLIPS: Your Honor, I believe this
6 matter came up at the pretrial discovery conference that
7 I had with defense counsel. At that time I consented to
8 make available at each time the witness testified their
9 rap sheet.

10 THE COURT: Do you mean before each?

11 MR. PHILLIPS: I have no objection. If Mr.
12 Dowd is asking for it before, we will make available the
13 rap sheets before.

14 MR. DOWD: Not only the rap sheets, your Honor.
15 I would ask that either the files of the SIU, the City
16 Police Department or the Federal agencies in relation to
17 these men -- and I know they are extensive, especially
18 with reference to Barnaba, because his activities in the
19 realm of numerous criminal activities would bear materially
20 on his credibility and therefore would possibly tend to
21 exculpate my client.

22 THE COURT: I am not going to require the govern-
23 ment to turn over the entire files of any agency in connection
24 with a witness. I am led to believe that certain wit-
25 nesses are in protective custody, and I am not going to

violate the possibility of them continuing in that protective custody.

MR.DOWD: Your Honor, my request --

THE COURT: The government has been requested, Mr.Dowd, to turn over any material which would be of assistance to the defense, basically the Brady material. I am quite sure that they have done that. If they haven't, they will.

MR. DOWD: Yes, your Honor.

MR. FISHER: Your Honor, it occurred to me that Mr. Phillips refers to a group of tapes some of which the government felt was 3500 material, and as to some of which the government feels otherwise. I would like to know, I think, how many of these tapes the government was just advised of, what number we are getting, what number they are keeping, and with respect to those that they are keeping I think they should be handed over to the Court.

THE COURT: Let me see if I heard Mr. Phillips right.

Mr. Phillips, you got 11 tapes yesterday, 11 tapes or cassettes?

MR. PHILLIPS: The total number of cassettes that I was told about was 15, your Honor. However, as to two of these, there is nothing on them. It is just an introduction

1 of the parties present, and there is no conversation.
2
3 Another two are basically inaudible, and I am not having
4 them reproduced. The other 11 I am having reproduced in
5 total.

6 THE COURT: All right. Reproduce them and make
7 available a tape player.

8 MR. WARNER: Your Honor, on the question of
9 prior statements of Mr. Stasi, in the course of listening
10 to some of the debriefing tapes, it has become apparent that
11 there were numerous meetings that Mr. Stasi had with various
12 police officers prior to these full debriefings, and it is
13 inconceivable to me that notes were not taken at some of
14 these meetings of some of the statements that he made.

15 I would ask Mr. Phillips either to represent
16 that there are no such notes or that the transcriptions
17 of prior statements of Mr. Stasi be made available, to fill
18 out certain gaps that existed in the debriefing tapes.

19 THE COURT: Well, the 3500 material is ordered
20 to be turned over the night before. Because of the fact
21 that these debriefing sessions were in taped form, Mr.
22 Phillips will turn them over rather than delay the trial.
23 However, anything that is written will be turned over the
24 night before, and you will have the right to examine them.
25 You won't have the same technical, logistical problem that

you will have with the tapes.

MR. ELLIS: Your Honor, I would hope that with respect to police and investigator witnesses, we will have all memoranda books, files, work sheets and the like as 3500 material.

THE COURT: I would hope that we will have everything that is 3500 material here.

MR. ELLIS: Your Honor, if we can get some representation from the government that they indeed consider that kind of matter 3500 material --

THE COURT: They know that I do. That's enough.

MR. CURRAN: Your Honor, in that connection Mr. Ellis threw in the word "files" in his last statement. We know what we think 3500 material is, and we will make it available. We are not making available all files of government witnesses.

THE COURT: No. That is not 3500 material.

MR. ELLIS: Your Honor, part of my concern is that some of these witnesses may be New York City Police Officers and other non-Federal employees, and their reports may not be in the possession of the government. We cannot subpoena them. We don't know who these people are. We would like the government to go out and get them for us.

THE COURT: I have known Mr. Curran is very

1
2 careful, and I would suggest that as part of his preparation
3 of this case he has already got them. If he hasn't, I am
4 sure he will.

5 All right. Can we finish up with the jurors?

6 (The selection of twelve jurors and six
7 alternates proceeded.)
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JHP

THE COURT: Mr. Lopez and Mr. Curran, come up, please.

(At the bench:)

THE COURT: I was informed by one of the marshals that one of the jurors approached him with a request to talk with me. As soon as they are seated, I am going to have her up.

(Pause.)

(In open court:)

THE COURT: Miss Savitt, will you come up, please.

(Discussion at the bench with the juror.)

(In open court:)

THE COURT: Miss Savitt is excused.

Swear the panel, please.

(A panel of prospective jurors was duly sworn.)

THE COURT: Good morning, ladies and gentlemen.

Before we start the picking of the jury, I would just like to remind you of something which I am sure you recognize. It is a very serious duty of each citizen to serve as a juror. If you or someone who is close to you, whom you love very dearly, were accused of a crime and was in fact innocent, you would want jurors in that jury box who are just like you. I am sure that that is why you have come to the courthouse today.

1 JHP

2 I understand that you came yesterday expecting to
3 serve as jurors for two weeks. This case will last for a
4 period of from four to six weeks. If there is anyone who
5 is unable to serve because of the possible length of time,
6 when your name is called I would appreciate it if you would
7 advise me of that fact.

8 You should also know that there is a possibility
9 that you may be sequestered. Now, when I say "sequestered",
10 let me explain what that is. For a jury to be sequestered,
11 it means that you would not be going home but the Government
12 would provide lodging and food and take care of you during
13 the time that the trial is held.

14 I recognize -- I think we all do -- that that
15 places or might place a burden on you. If that burden is
16 insuperable, I wish you would tell me when your name is
17 called. You understand that.

18 All right. Mr. Clerk, please put the names in the
19 wheel and start calling them.

20 THE CLERK: Juror Number 3 is now Benjamin Weisberg.

21 THE COURT: Mr. Weisberg, do you feel that this
22 possibility would cause an insuperable burden on you?

23 PROSPECTIVE JUROR 3: I do.

24 THE COURT: You are going to have to come up and
25 explain why. Come on up.

1 JHP

2 (Discussion at the side bar with Prospective Juror
3 Number 3.)

4 (In open court:)

5 THE COURT: Mr. Weisberg is excused. Go ahead.

6 THE CLERK: Juror Number 3 is now George Alvarez.

7 THE COURT: Mr. Alvarez, do you feel that you would
8 be burdened unduly by the length of the trial and the seques-
9 tration of the jury?

10 PROSPECTIVE JUROR 3: Yes, your Honor.

11 THE COURT: All right. Come on up, and we will
12 chat.

13 (Discussion at the side bar with Prospective Juror
14 Number 3.)

15 (In open court:)

16 THE COURT: Mr. Alvarez is excused. Call the next
17 juror, please.

18 THE CLERK: Juror Number 3 is now Alonzo H.
19 Crummell.

20 THE COURT: Mr. Crummell, you heard my comments.
21 Would you be unduly burdened by the trial of this case?

22 PROSPECTIVE JUROR 3: I really don't know. I am
23 not sure, but I would like to speak to you.

24 THE COURT: Certainly. Come on up.

25 (Discussion at the side bar with Prospective Juror

1 JHP

2 Number 3.)

3 (In open court:)

4 THE COURT: All right. Take the third seat.

5 Call the next juror, please.

6 THE CLERK: Juror Number 7 is now Sophie H.

7 Drapeau.

8 THE COURT: Miss or Mrs.?

9 PROSPECTIVE JUROR 7: Mrs.

10 THE COURT: Mrs. Drapeau, do you feel that the
11 length of this case or the sequestration would unduly burden
12 you?

13 PROSPECTIVE JUROR 7: Yes; it would.

14 THE COURT: All right. Come on up.

15 (Discussion at the side bar with Prospective Juror
16 Number 7.)

17 (In open court:)

18 THE COURT: Mrs. Drapeau is excused. Call the next
19 juror.

20 THE CLERK: Juror Number 7 is now John T. Hallinan.

21 THE COURT: Mr. Hallinan, would you be unduly
22 burdened by the length of the trial or the sequestration?

23 PROSPECTIVE JUROR 7: I believe so, sir.

24 THE COURT: Come on up.

25 (Discussion at the side bar with Prospective Juror

1 JHP

2 Number 7.)

3 (In open court:)

4 THE COURT: Mr. Hallinan is excused. Call the
5 next juror.

6 THE CLERK: Juror Number 7 is now Nan Bachrach.
7 Is that Miss or Mrs.?

8 PROSPECTIVE JUROR 7: Mrs.

9 THE COURT: Mrs. Bachrach, do you feel that the
10 length of the trial or the possible sequestration of the jury
11 might be an undue burden to you?

12 PROSPECTIVE JUROR 7: It would.

13 THE COURT: All right. Do you want to come up and
14 chat about it?

15 (Discussion at the side bar with Prospective Juror
16 Number 7.)

17 (In open court:)

18 THE COURT: Mrs. Bachrach is excused. Call the
19 next juror.

20 THE CLERK: Juror Number 7 is now Paul A. Kirnon.

21 THE COURT: Mr. Kirnon, do you feel that the length
22 of the trial or possible sequestration would in any way impose
23 a really severe burden on you?

24 PROSPECTIVE JUROR 7: Yes; it would.

25 THE COURT: All right. Would you come up, please.

1 JHP

2 (Discussion at the side bar with Prospective Juror
3 Number 7.)

4 (In open court:)

5 THE COURT: Mr. Kirnon is excused. Call the next
6 juror, please.

7 THE CLERK: Juror Number 7 is now James Woodbury.

8 THE COURT: Mr. Woodbury, do you feel that the
9 possible sequestration and the length of the trial would
10 cause you an undue burden?

11 PROSPECTIVE JUROR 7: Yes; I do.

12 THE COURT: All right. Come on up.

13 (Discussion at the side bar with Prospective Juror
14 Number 7.)

15 (In open court:)

16 THE COURT: Mr. Woodbury is excused. Call the next
17 juror, please.

18 THE CLERK: Juror Number 7 is now Adelino S.
19 Scopino.

20 THE COURT: Mr. Scopino, do you feel that the
21 length of the trial and possible sequestration would cause
22 an undue burden on you, sir?

23 PROSPECTIVE JUROR 7: I do.

24 THE COURT: All right. Come up.

25 (Discussion at the side bar with Prospective Juror

1 JHP

2 Number 7.)

3 (In open court:)

4 THE COURT: Mr. Scopino is excused. Call the next
5 juror.

6 THE CLERK: Juror Number 7 is now Mrs. Joan M.
7 Patton.

8 THE COURT: Mrs. Patton, do you feel that the
9 length of the trial or the possible sequestration might cause
10 you an undue burden?

11 PROSPECTIVE JUROR 7: I do.

12 THE COURT: All right. Come on up.

13 (Discussion at the side bar with Prospective Juror
14 Number 7.)

15 (In open court:)

16 THE COURT: Mrs. Patton is excused.

17 Call the next juror, please.

18 THE CLERK: Juror Number 7 is now Pieter H. Vree.

19 THE COURT: Mr. Vree, do you feel that the length
20 of the trial or possible sequestration would post an undue
21 burden on you, sir?

22 PROSPECTIVE JUROR 7: Yes, your Honor.

23 THE COURT: Come on up.

24 (Discussion at the side bar with Prospective Juror
25 Number 7.)

1 JHP

2 (In open court:)

3 THE COURT: Mr. Vree is excused. Call the next
4 juror, please.

5 THE CLERK: Juror Number 7 is now Hazel B. Hayman.

6 THE COURT: Ms. Hayman, you heard my comments about
7 the possible length of this trial and the possible sequestra-
8 tion of the jury. Would that cause you an undue burden?

9 PROSPECTIVE JUROR 7: I think so.

10 THE COURT: Why don't you come on up.

11 (Discussion at the side bar with Prospective Juror
12 Number 7.)

13 (In open court:)

14 THE COURT: All right. Take the first seat in
15 the second row.

16 THE CLERK: Juror Number 9 is now Bernard Knopf.

17 THE COURT: Mr. Knopf, do you feel that because of
18 the length of time of this trial or possible sequestration
19 that you would be unduly burdened by it?

20 PROSPECTIVE JUROR 9: Yes.

21 THE COURT: Come on up and tell me why.

22 (Discussion at the side bar with Prospective Juror
23 Number 9.)

24 (In open court:)

25 THE COURT: Mr. Knopf is excused. Would you call

1 JHP

2 the next juror, please.

3 THE CLERK: Juror Number 9 is now Anne Forzano.

4 THE COURT: Is that Miss or Mrs.?

5 PROSPECTIVE JUROR 9: Mrs.

6 THE COURT: Mrs. Forzano, you have heard my com-
7 ments about the possible length of the trial of this case
8 and also the possibility of being sequestered. Do you feel
9 that this would cause an undue burden to you, ma'am?

10 PROSPECTIVE JUROR 9: Yes; I do.

11 THE COURT: Do you want to come up and tell me
12 why?

13 (Discussion at the side bar with Prospective Juror
14 Number 9.)

15 (In open court:)

16 THE COURT: Mrs. Forzano is excused. Call the
17 next juror, please.

18 THE CLERK: Juror Number 9 is now Percy T. Hines.

19 THE COURT: Mr. Hines, do you feel because of the
20 length of the case or possible sequestration that you would
21 be in any way unduly burdened?

22 PROSPECTIVE JUROR 9: Yes; I do.

23 THE COURT: Will you come up.

24 (Discussion at the side bar with Prospective Juror
25 Number 9.)

1 JHP

2 (In open court:)

3 THE COURT: Mr. Hines is excused.

4 Call the next juror, please.

5 THE CLERK: Juror Number 9 is now Bob P. Claybourne

6 THE COURT: Mr. Claybourne, you heard my comments
7 about the length of this case and possible sequestration.

8 Do you feel that that would cause an undue hardship on you?

9 PROSPECTIVE JUROR 9: No; I don't.

10 THE COURT: Mr. Claybourne, do you have a jacket
11 or coat with you?

12 PROSPECTIVE JUROR 9: Yes.

13 THE COURT: You had better get it. In fact all
14 of you coming up for any reason ought to take your belongings
15 up with you.

16 Mr. Claybourne, would you take the third seat in
17 the second row.

18 THE CLERK: Juror Number 11 is now Effie Grant.

19 THE COURT: Is that Miss or Mrs. Grant?

20 PROSPECTIVE JUROR 11: Mrs.

21 THE COURT: Mrs. Grant, do you feel that the pos-
22 sible length of this trial or possible sequestration would
23 cause an undue burden on you?

24 PROSPECTIVE JUROR 11: Yes.

25 THE COURT: Why don't you come on up.

1 JHP

2 (Discussion at the side bar with Prospective Juror
3 Number 11.)

4 (In open court;)

5 THE COURT: All right. Would you take the next
6 seat in the second row.

7 Call the next juror, please.

8 THE CLERK: Juror Number 12 is now Helen M. Nash.
9 Is that Miss or Mrs.?

10 PROSPECTIVE JUROR 12: Miss.

11 THE COURT: Miss Nash, do you feel that because of
12 the length of the trial or possible sequestration you would
13 be unduly burdened?

14 PROSPECTIVE JUROR 12: Yes; I do.

15 THE COURT: All right. Why don't you come up and
16 tell me about it.

17 (Discussion at the side bar with Prospective Juror
18 Number 12.)

19 (In open court:)

20 THE COURT: All right. Would you take the last
21 seat in the second row.

22 Call the next juror, please.

23 THE CLERK: Juror Number 14 is now Donald Platt.

24 THE COURT: Mr. Platt, do you feel that because of
25 the sequestration or the length of the trial you would be

1 JHP

2 unduly burdened?

3 PROSPECTIVE JUROR 14: Yes, your Honor.

4 THE COURT: All right. Do you want to come up.

5 (Discussion at the side bar with Prospective Juror
6 Number 14.)

7 (In open court:)

8 THE COURT: Mr. Platt is excused.

9 Would you please call the next juror.

10 THE CLERK: Juror Number 14 is now Larry Gelbert.

11 THE COURT: Mr. Gelbert, you have heard my question
12 concerning the length of the trial and possible sequestration
13 Do you feel that this will impose an undue burden on you?

14 PROSPECTIVE JUROR 14: It would.

15 THE COURT: All right. Come up and tell me about
16 it, please.

MP T3

17 (Discussion at the side bar with Prospective Juror
18 Number 14.)

19 (In open court:)

20 THE COURT: All right. Take your card. You are
21 excused.

22 Call the next juror, please.

23 THE CLERK: Juror Number 14 is now Gennaro Perez.

24 THE COURT: Mr. Perez, you have heard my comments
25 about possible length of this trial and the possibility of

1 MP

2 sequestration. Does that place an insuperable burden on
3 you, sir?

4 PROSPECTIVE JUROR 14: Yes..

5 THE COURT: All right. Come on up.

6 (Discussion at the side bar with Prospective Juror
7 Number 14.)

8 (In open court:)

9 THE COURT: Mr. Perez is excused. Call the next
10 juror.

11 THE CLERK: Juror Number 14 is now Frederick A.
12 Bakunin.

13 THE COURT: Do we pronounce your name correctly?

14 PROSPECTIVE JUROR 14: Yes.

15 THE COURT: Mr. Bakunin, you heard my comments
16 about the length of the case and also about possible seques-
17 tration of the jury. Do you feel that it would be an insuper-
18 able burden for you to sit on the trial of this case?

19 PROSPECTIVE JUROR 14: Yes.

20 THE COURT: All right. Come on up.

21 (Discussion at the side bar with Prospective Juror
22 Number 14.)

23 (In open court:)

24 THE COURT: All right. Please take your seat in
25 the jury box.

1 MP

2 I would appreciate it if, first of all, those mem-
3 bers of the panel who are excused and are standing along the
4 back wall would return to the central jury room. All right.
5 You can leave right now.

6 All right. Would all those members of the jury
7 panel in back of the room please pay attention to my question
8 and comments now. It may be that the questions that I will
9 ask will call for a negative response, and it would be
10 simpler if you would listen to the questions and come up and
11 say, "I heard all your questions, and my answer is no."

12 Let me tell you first that this is a criminal case
13 and comes before you by reasons of an indictment. An indict-
14 ment is a piece of paper. It is nothing more than that. It
15 is not evidence in the case. An indictment is intended to
16 inform the defendants of a charge against them and start
17 the case before a court and jury.

18 I am going to be conducting a questioning session,
19 which is generally called a voir dire. That is a delightful
20 foreign expression which lawyers and judges leap upon with
21 great delight. They like to use foreign words.

22 You know what it is: it is an attempt, really, for
23 you to get to know us and for us to get to know a little bit
24 about you.

25 Now, I will ask at the outset whether any juror

1 MP

2 knows or has had any dealings with any of the people named
3 in this indictment or with members of their families, if
4 you know the defendants who are going to stand trial. They
5 are Carmine Tramunti, Luis Englese, Donato Christiano,
6 Joseph DiNapoli, Vincent D'Amica, William Alonzo, Angelo
7 Mamone, Frank Pugliese, Joseph Ceriale, Dominick Lessa,
8 Benjamin Tolopka, Joseph Marchese, Frank Russo, Al Greene,
9 Hattie Ware, John Springer, Mary Jane Salviani, Henry Salley,
10 John Gamba and Warren Robinson.

11 Does any member of the jury panel know any of
12 these people?

13 The record should reflect that there is no response.

14 Does any juror know or has he or she had any deal-
15 ings with any of these people or members of their families?

16 Now, let me introduce to you Mr. Paul Curran, who
17 is the United States Attorney for this district; Mr. Walter
18 Phillips, Jr., who is an assistant U. S. Attorney; Mr.
19 Thomas Engel, who is an assistant U. S. Attorney, and Mr.
20 Thomas M. Fortuin, who is also an assistant U. S. Attorney.

21 Does anyone here know any of these gentlemen or
22 had any dealings with them?

23 I see there is one hand in the back. Sir, when it
24 comes time for your name to be called, will you bring that
25 fact to my attention? Okay?

1 MP

2 Now, does anyone here have -- or let's put it this
3 way: does anyone here know or had dealings with any member
4 of the United States Attorney's office for the Southern
5 District of New York?

6 PROSPECTIVE JUROR 4: I am not sure.

7 THE COURT: Tell me about it, anyway.

8 PROSPECTIVE JUROR 4: I know Judge Gagliardi.

9 THE COURT: He is not in the U. S. Attorney's
10 office.

11 All right. Now, ladies and gentlemen, I would like
12 to introduce the attorneys for the defense.

13 First, we have Mr. Herberg Siegal. All right.
14 Sit down, Mr. Siegal.

15 Mr. Gilbert Epstein; Mrs. Nancy Rosner; Mr. Frank
16 A. Lopez; Mr. Matthew Salkow.

17 MR. LOPEZ: He went out on an errand, your Honor.
18 We sent him out on an errand.

19 THE COURT: Mr. George David Rosenbaum. Mr.
20 Gary Sunden. Mr. Ivan S. Fisher. Mr. Robert L. Ellis. Mr.
21 Theodore Rosenberg. Mr. Kenneth E. Warner. Mr. Murray
22 Richman. Mr. John P. Curley. Mr. Michael C. Dowd. Mr.
23 Robert P. Leighton. Mr. Harold Schwartz. Mr. Edward Panzer.
24 Mr. Martin Jay Siegel. Mr. Murray M. Segal.

25 By the way, there are three whose names soundalike:
Siegel, Siegal and Segal. They are not related.

1 MP

2 Last, but not least, Mr. H. Leonard King.

3 All right. Does any member of the panel of jurors
4 know or had dealings with them?

5 Now, the indictment names certain co-conspirators.
6 Here are the names that I have are Leo Cimino, Ernie
7 Pontiac, Paul Gregorio, Paulie the Arrow, Louis Lepore,
8 Vincent Papa, Frank Stasi, Anthony Pagano and Joe Sharp,
9 Frank Monaco, Frank Lalli, Alfred Lalli, Joe Flats, Sal
10 Landi, John Dingle, Primrose Cadman, Louis Oliveras, Jack
11 Spada, Ralph Birdie, Martin de Saverio, a person by the name
12 of Jink, Mario Starace, John Dugan, Joseph Andretta, Harry
13 Pannirello, John Pannirello, James Provitero, Thomas Lentini,
14 Thomas Dawson, Carmine Pugliesi, George Toutoian, Frank
15 Pellegrino, Basil Hansen and Estelle Hansen.

16 Does anybody here know any of these people?
17 Do you recognize a name that is familiar?

18 PROSPECTIVE JUROR: One name.

19 THE COURT: All right. If your name is called I
20 want you to bring that to my attention.

21 I believe I left off John Gamba.

22 MR. PHILLIPS: No, your Honor. John Barnaba and
23 also Ralph Lattino. Also, the correct pronunciation of
24 Pannirello.

25 THE COURT: All right. I am sorry if I offended

1 MP

2 anyone by mispronouncing his name.

3 Is there any member of the jury panel who is
4 employed by a law enforcement agency?

5 We have two people employed by a law enforcement
6 agency. Let's see if we can release you to the central jury
7 room now. Will the people who puts their hands up please
8 come forward.

9 Would you make a note of the names, please.

10 All right. The first gentleman in line. What is
11 your name, please?

12 PROSPECTIVE JUROR: Edward Maass.

13 THE COURT: How do you spell your name, sir?

14 PROSPECTIVE JUROR: M-a-a-s-s.

15 THE COURT: Mr. Maass, what law enforcement agency
16 do you belong to?

17 PROSPECTIVE JUROR: It is not exactly a law en-
18 forcement agency. I work as a security guard.

19 THE COURT: All right. You can take your seat
20 back there.

21 PROSPECTIVE JUROR: Anthony Raniere.

22 THE COURT: All right, Mr. Raniere. What law
23 enforcement agency do you belong to?

24 PROSPECTIVE JUROR: New York State Department of
25 Correction.

1 MP

2 PROSPECTIVE JUROR: Anthony Solafaro.

3 THE COURT: And what law enforcement agency do you
4 work for?

5 PROSPECTIVE JUROR: Sheriff's office, Putnam County.

6 THE COURT: Mr. Clerk, would you give Mr. Solafaro
7 his card back. Return the central jury room.

8 PROSPECTIVE JUROR: Peter Morgan.

9 THE COURT: Mr. Morgan, what agency do you work
10 for?

11 PROSPECTIVE JUROR: I work as a security officer
12 for the city. We have peace officer status.

13 THE COURT: Where do you work?

14 PROSPECTIVE JUROR: The Department of Correction.

15 THE COURT: You work with the Department of Cor-
16 rection?

17 PROSPECTIVE JUROR: I have been, but not now.

18 THE COURT: Where do you work as a security officer?

19 PROSPECTIVE JUROR: Fordham Hospital, the Bronx.

20 THE COURT: All right. You are going to remain
21 with the jury panel.

22 Mr. Clerk, do you have Mr. Solafaro's card? Give
23 him his card.

24 Now, specifically directing myself to those
25 members of the jury who are in the box, particularly to the

1 MP

2 newly-selected people, do you have any friend or relative who
3 is or has been employed by any law enforcement agency? By
4 "friend", I mean close personal friend.

5 PROSPECTIVE JUROR 5: My wife is a clerk for the
6 Justice of the Peace.

7 THE COURT: All right. Now, those of you sitting
8 in the back of the room: I just want you to remember what
9 the question was, and if your answer would be yes, please
10 bring it to my attention when and if you are called.

11 Has any member of the jury panel had any dealings
12 with agents of the Bureau of Narcotics & Dangerous Drugs,
13 the Drug Enforcement Administration, the New York State
14 Investigation Unit, Joint Narcotics Task Force or any other
15 governmental agency in the narcotics area?

16 All right. Directing my attention to those members
17 of the panel who are seated in the jury box, but I want those
18 in back to remember the question: have you ever served as
19 a juror in any criminal or civil case or on a grand jury?
20 I assume that since there are no hands raised, the response
21 is no.

22 Has any juror or a relative ever been a party to
23 any legal action or formal dispute with the United States?

24 Recently, there has been a great deal of press
25 and television coverage about certain allegations of mis-

1 MP

2 conduct by Government officials in Washington. Has any
3 juror, through anything he has seen or heard, developed
4 a bias against the United States or the Department of Justice?

5 Has any juror ever been the victim of a crime?

6 PROSPECTIVE JUROR 12: I was mugged last year.

7 THE COURT: Did you thereafter appear as a complain-
8 ing witness in any proceeding?

9 PROSPECTIVE JUROR 12: No. I had a concussion,
10 which lasted three months or so, but they never caught
11 the person.

12 THE COURT: Does any juror have a hearing problem?

13 Now, before I put the next series of specific
14 questions to you, let me give you a preliminary but import-
15 ant word:

16 Some of the defendants in this case and, to a much
17 lesser extent the case itself, have been the subject of some
18 publicity. Some of you may have read or heard something
19 about it.

20 What appears in the public press or on any news
21 media about a case or about individuals is not evidence.
22 Cases are tried in the courtroom, under prescribed rules of
23 procedure. They are not tried in the press or on radio or
24 on television.

25 You must not be influenced by anything you may have

1 MP

2 heard or seen outside this courtroom. The only evidence
3 in the case which you may properly consider is what you hear
4 in this courtroom.

5 Basically, the next set of questions will deal
6 with whether you have read or heard anything about the case
7 or the defendants on trial. We make that a general question
8 right now. I will get back to specifics afterwards.

9 Have you read or heard anything about this case?

10 PROSPECTIVE ALTERNATE 2: I have --

11 THE COURT: Come up.

12 (Discussion at the side bar with Prospective
13 Alternate Number 2.)

14 (In open court:)

15 THE COURT: All right. You may take your seat.

16 Now, the function of a jury is to decide the
17 questions of fact, and, as such, the jury is the sole judges
18 of the facts. Nothing that I do, nothing that any of the
19 lawyers in this case might do should deter you from acting
20 as the sole judges of the fact.

21 On the other hand, when it comes to the law as
22 distinguished from the facts, you are to take your instruc-
23 tions on the law solely from me. You are not to substitute
24 any notion which you might have as to what the law is or
25 what it should be. It doesn't matter. What I tell you the

1 MP

2 law is is the way you will accept it.

3 Based on the evidence and from the principles of
4 law which I will explain to you, if you have a reasonable
5 doubt as to any individual defendant's guilt, you are going
6 to have to acquit that defendant, you should acquit that
7 defendant. That is your job.

8 Does anyone feel that you would be unable to fol-
9 low the instructions of the Court on the question of the law
10 that I will be giving to you?

11 Does any juror have an opinion as to the guilt or
12 innocence of any defendant without having heard a shred of
13 evidence? It is possible. If so, be honest and tell us.

14 Has anyone talked to you about the case?

15 MR. LOPEZ: Your Honor, I think Juror 14 may have
16 a question.

17 (Discussion at the side bar with Prospective Juror
18 Number 14.)

19 (In open court:)

20 THE COURT: Now, ladies and gentlemen, those of
21 you who are in the jury box, can you think of any matter
22 which you feel should be brought to my attention concerning
23 your qualifications as jurors and your ability to render a
24 fair and impartial verdict?

25 All right. Now, in accordance with certain ground

1 MP

2 rules which I have laid down and which I violate all the time

3 -- that's the nice thing about my job -- we are going to
4 break for lunch every day at twelve-thirty. It's a little
5 bit past that right now. Since those members of the jury
6 panel in the back of the room may be unfamiliar with this
7 area, I am going to take a break from twelve-thirty until two
8 o'clock, which gives you an hour and a half to get to lunch
9 and a chance to at least get off the line and to have some
10 food in peace.

11 Promptly, at two o'clock, please return. Only
12 members of the jury panel should be seated in the section
13 of the courtroom which is to your right as you walk in.

14 Now, please be back at two o'clock. Those people
15 who are already seated in the jury box will continue with us
16 in our voir dire at that point, and we will get a little more
17 personal. I will ask you how long you have been living where
18 you have been living and what you do, things like that.

19 All right. Now, everybody else remain seated while
20 the marshal will please see that the jury panel in the back
21 row of the room gets out without any interference.

22 By the way, ladies and gentlemen, there is one
23 thing I must insist upon. Those of you who are selected for
24 the jury will know that it almost becomes a litany. Please
25 do not talk to anybody about this case. Don't let anybody

1 MP

2 talk to you about this case. Don't remain in a place where
3 people are discussing this case.

4 We want you to have a clear, open mind on the
5 entire thing, and the ability to render a fair and impartial
6 verdict. Don't talk about the case. That goes for those
7 people who are in the jury box, and it goes for the entire
8 panel.

9 Marshal, would you make sure that the jurors get
10 out of the courtroom.

11 (The panel of prospective jurors left the court-
12 room.)

13 THE COURT: Mr. Clerk, would you and one of the
14 other marshals escort the jury to the jury room, and I
15 believe the marshal will arrange to have lunch for those
16 members in the jury box.

17 (A luncheon recess was taken.)

18 - - -

19

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25

1 JHP

2 A F T E R N O O N S E S S I O N

3 2:00 p.m.

4 MR. LOPEZ: May I approach the bench, your Honor?

5 THE COURT: Do you want this on the record?

6 MR. LOPEZ: No.

7 (Discussion at the bench, off the record.)

8 (In open court:)

9 THE COURT: You remember that when we broke for
10 lunch I advised the jury that we would be inquiring further
11 of them.

12 BY THE COURT:

13 Q Mr. Cruml, I see that you live in the Bronx. Have
14 you lived there for the last five years, sir?

15 A (P.J. 3.) Twelve years.

16 Q What is your present occupation, sir?

17 A I am unemployed right now.

18 Q Over the last five years, what did you do?

19 A I worked on pianos, refinishing pianos, putting
20 the finish on pianos and on furniture, too.

21 Q Is that that Baldwin plant down in the Bronx?

22 A No. It was Jansen, on 23rd Street, but they moved
23 to Indiana.

24 Q Are you married, sir?

25 A Yes, sir. Seventeen years.

1 JHP

2 Q Is your wife employed?

3 A Yes. Excuse me. That's the only problem. I have
4 four kids, too. I did not tell you. And my wife work at
5 night.

6 Q What does your wife do?

7 A She process checks. She put them on tape on Wall
8 Street, Bankers Trust, 14 Wall Street. She is a clerk.

9 Q Mr. Kruml, would you be good enough to tell us
10 what newspapers you read? Do you read the Daily News or
11 the Times?

12 A Yes. Or Sunday I look at the Daily News.

13 Q The Sunday News?

14 A Yes. Most of the time I read my Bible, I have
15 with me all the time.

16 Q Do you watch the News on television, sir?

17 A Not lately.

18 Q You indicated you have four children?

19 A Yes.

20 Q And your wife works at night?

21 A Yes. That's the only problem.

22 Q Do you have anybody to watch the children?

23 A I have a cousin, but I -- she has five kids.

24 Q Mr. Kruml, basically what you are trying to tell
25 me, I think, is that you feel that this would be a real

1 JHP

2 burden if you are away from home at night; is that correct,
3 sir?

4 A Yes, and my oldest son is --

5 Q All right.

6 A He is at that adolescent age.

7 Q We all had to do it once, right?

8 All right. You would like to be excused?

9 A I really don't want to, but I don't have no altern
10 tive.

11 THE COURT: Juror Number 3 is excused.

12 THE CLERK: Juror Number 3 is now Fidia Rivera.

13 Is that Miss or Mrs.?

14 PROSPECTIVE JUROR 3: Mrs.

15 BY THE COURT:

16 Q Mrs. Rivera, you heard my questions at the begin-
17 ning today about sequestration and about the length of the
18 trial. Mrs. Rivera, do you think that this would pose a
19 real serious burden on you?

20 A Yes.

21 THE COURT: Do you want to come up and tell me
22 about it, please?

23 (Discussion at the side bar with Prospective Juror
24 Number 3.)

25 (In open court:)

1 JHP

2 THE COURT: Mrs. Rivera is excused.

3 THE CLERK: Juror Number 3 is now James E. Brady.

4 BY THE COURT:

5 Q Mr. Brady, you heard my questions concerning the
6 length of the trial and the possible sequestration. Do you
7 feel that that will impose an undue burden on you, sir?

8 A No, your Honor.

9 Q All right. Would you take the third seat in the
10 first row.

11 Mr. Brady, you are hardly seated before you are
12 the first one I am going to have to ask questions of.

13 I note that you live in the Bronx, sir.

14 A That's right.

15 Q Have you lived there for the last five years?

16 A Yes, your Honor.

17 Q Are you presently employed, sir?

18 A Yes, your Honor. I work for the Bank of Commerce,
19 here in Manhattan.

20 Q What do you do there?

21 A I am a manager-trainee. I process loan applications.

22 Q Have you been doing that for five years?

23 A No. It's about six months.

24 Q What did you do before that?

25 A I was in college.

1 JHP

2 Q Are you married?

3 A No. Single.

4 Q What newspapers do you read, sir?

5 A The New York Times, the Daily News.

6 Q What TV or radio news programs do you listen to?

7 A I don't watch that much TV. I watch the evening
8 news.

9 Q The evening news?

10 A Occasionally. On occasion.

11 Q Tell me, Mr. Brady: have you seen or heard anything
12 about these defendants or this case?

13 A Well, I glanced through the Daily News recently,
14 and I noticed a picture.

15 THE COURT: All right. Why don't you come up.

16 (Discussion at the side bar with Prospective Juror
17 Number 3.)

18 (In open court:)

19 THE COURT: Mr. Curran's picture was in the Daily
20 News today in connection with a civil case involving some
21 gas stations.

22 Q Mr. Brady, when you were seated in the back of the
23 room, I asked a number of questions to which I thought there
24 would be negative answers. Would you have answered any
25 of those questions yes?

1 JHP

2 A Yes. Well, presently my father is retired from the
3 State of New York Department of Correction.

4 Q Is there anything that you would like to bring to
5 my attention which you feel might affect your ability to
6 render a fair and impartial verdict on the basis of the evi-
7 dence that comes in in this trial?

8 A No, your Honor.

9 THE COURT: Mrs. Hazel B. Hayman, I note that you
10 live in Manhattan; is that correct, ma'am?

11 PROSPECTIVE JUROR 7: Yes. Most of my life.

12 BY THE COURT:

13 Q I was going to ask for five years, but hopefully
14 you are over twenty-one.

15 Are you presently employed, Ms. Hayman?

16 A (P. J. 7) No.

17 Q During the last five years, have you been employed?

18 A Yes.

19 Q What do you do?

20 A A writer for an advertising agency and an assistant
21 account secretary.

22 Q In an ad agency?

23 A Yes; and I have done some editing.

24 Q Could you tell us what newspaper you read?

25 A Well, I always read the Times and part of the Post,

1 JHP

2 in the afternoon.

3 Q What TV or radio news programs --

4 A Sunday news programs or The Advocates, that
5 sort of thing.

6 Q I should warn all of you --

7 MR. KIND: Will your Honor ask the jurors to respon
8 in a louder voice, please.

9 THE COURT: All right, Mr. King.

10 MR. KING: Thank you.

11 Q I note that you said that you watch The Advocates.
12 I am going to try to impress upon you once again -- and this
13 is for every juror in the room -- it doesn't matter what
14 The Advocates might show. That is great TV, but you get
15 thrown out of a courtroom for that kind of stuff, generally.
16 I want you to recognize that whatever you might see on The
17 Advocates has no bearing on this case, no bearing on what
18 you are going to have to accept as the law from me.

19 I am glad you mentioned it, by the way. I must
20 admit I don't watch the program, and I think you will guess
21 why.

22 Mr. Clayborn, I believe you also live in Manhattan;
23 is that right?

24 A (P. J. 9) Yes; it is.

25 Q Have you lived there for the last five years?

1 JHP

2 A I lived there for about two years, and the previous
3 ten years I lived in Forest Hills.

4 Q In Queens?

5 A Yes.

6 Q Are you presently employed, Mr. Clayborn?

7 A Yes; I am.

8 Q What do you do?

9 A Teach school.

10 Q Have you been teaching school for the last five
11 years?

12 A Yes; I have.

13 Q Are you married, sir?

14 A No; I am not.

15 Q Would you tell us what newspaper you read?

16 A Occasionally the New York Times.

17 Q What news programs on TV or on radio do you watch
18 or listen to?

19 A Well, occasionally the Seven O'clock News.

20 Q Have you seen or heard anything concerning this
21 case or these defendants?

22 A No; I have not.

23 Q Mrs. Grant, you live in Manhattan, don't you, ma'am?

24 A (P. J. 11) Yes.

25 Q Have you lived in Manhattan for the last five years?

1 JHP

2 A Yes.

3 Q Are you presently employed?

4 A Yes.

5 Q What do you do, ma'am?

6 A I am a factory worker.

7 Q Could you tell us what kind of factory work you
8 do?

9 A I am a molder. We make electrical fixtures.

10 Q Have you been so employed for the last five years?

11 A Yes.

12 Q Are you married?

13 A Separated.

14 Q Could you tell us what newspaper you read?

15 A The Daily News occasionally.

16 Q How about TV or radio news programs?

17 A More or less the news -- Seven O'clock News.

18 Q Have you seen or heard anything or read anything
19 about this case or these defendants?

20 A No.

21 Q Miss Helen Nash, you live in Manhattan also?

22 A (P. J. 12) Yes; I do.

23 Q Have you lived there for the last five years?

24 A Yes.

25 Q You are employed as a legal secretary; is that

1 JHP

2 correct?

3 A Not currently. I am waiting to take a position,
4 but I have been for the last five years or so, five or six
5 years.

6 Q In your position as a legal secretary, did you
7 work for any lawyer who was mainly engaged in litigation?

8 A At one time, yes.

9 Q When was that, ma'am?

10 A About three years ago.

11 Q Did this lawyer do criminal law?

12 A Yes.

13 Q Tell me, Miss Nash: what newspapers do you read?

14 A Usually the Times and then sometimes the Post.

15 Q And what TV or radio news programs do you watch
16 or listen to?

17 A The evening news and sometimes the late news.

18 Q Did you say late late news?

19 A No. I mean the eleven o'clock or eleven-thirty.

20 Q Have you seen or heard anything about this case or
21 these defendants?

22 A No.

23 Q Mr. Frederick Picune, you live in Manhattan now; is
24 that correct?

25 A (P. J. 14) Yes.

1 JHP

2 Q Have you lived there for the last five years?

3 A Yes, sir.

4 Q Your present employment is as a research analyst
5 for a Wall Street brokerage firm; is that correct, sir?

6 A Yes, sir.

7 Q Have you been working at that for the last five
8 years?

9 A Yes, sir.

10 Q It's been a pretty hectic five years on Wall
11 Street, hasn't it?

12 A Yes, sir.

13 Q Are you married, sir?

14 A No.

15 Q Could you tell us what newspapers you generally
16 read?

17 A On a daily basis, the Times, Post, Wall Street
18 Journal. On a weekly basis, a number of trade publications.
19 I follow the news very closely on Dow-Jones broad tape and
20 Lawyers' Tape.

21 THE COURT: Mr. Lopez and Mr. Curran, would you
22 come up, please.

23 (At the bench:)

24 THE COURT: It is my recollection I went through
25 the entire thing with Mr. Picune before; is that correct?

1 LHP

2 MR. LOPEZ: Yes.

3 MR. CURRAN: Yes.

4 THE COURT: It's your turn.

5 MR. CURRAN: Yes.

6 (In open court:)

7 MR. CURRAN: Your Honor, may Mr. Lopez and I
8 approach the bench?

9 THE COURT: Yes.

10 (At the bench:)

11 MR. CURRAN: Juror Number 9, Mr. Clayborn, said
12 that he was a school teacher.

13 THE COURT: That's correct.

14 MR. CURRAN: I am not clear as to whether he is
15 presently employed.

16 THE COURT: Yes. He said he is presently employed
17 as a school teacher.

18 MR. CURRAN: Would your Honor consider inquiring
19 as to what level or what kind of school he teaches in?

20 MR. LOPEZ: The defense makes the same request.

21 THE COURT: Is it really that necessary?

22 MR. LOPEZ: I don't know. Possibly there is some
23 psychological effect. Also Juror Number 12, the legal
24 secretary, whether she worked for a lawyer in criminal law.

25 THE COURT: She said she did.

1 JHP

2 MR. LOPEZ: Would that affect her judgment here?

3 THE COURT: I will ask them.

4 MR. CURRAN: The reason I make the request on Mr.
5 Clayborn, your Honor, is that six weeks for a school teacher
6 during the teaching season --

7 THE COURT: As a practical matter, maybe it's an
8 extra vacation.

9 (In open court:)

10 THE COURT: I was requested to ask two other
11 questions of two people.

12 BY THE COURT:

13 Q Mr. Clayborn, I understand you are a school teacher

14 A (P. J. 9) Yes.

15 Q What level are you teaching at now, sir?

16 A Senior high school.

17 Q Is that in the City system?

18 A No. It's in Long Island, North Shore.

19 Q Miss Nash, the fact that you are a legal secretary
20 I guess necessarily brought you into contact with lawyers
21 all the time.

22 A (P. J. 12) Yes.

23 Q Do you feel that you could fairly judge the defend-
24 ants here and accept the law as I instruct it to be?

25 A I think I would try.

1 JHP

2 Q Of course. That's all I can ask. None of us is
3 perfect.

4 THE COURT: All right, Mr. Curran.

5 MR. CURRAN: The Government waives its challenge.

6 THE COURT: Mr. Lopez?

7 MR. LOPEZ: Shall we retire?

8 THE COURT: I guess at this point the defense coun-
9 sel would want to retire into the room at the side here.
10 Please don't be too long.

11 MR. LOPEZ: No, your Honor.

12 (Court Exhibit 5 marked for identification.)

13 THE COURT: I am not going to declare a recess
14 right now, but I am going to step down, myself, and go into
15 the robing room and do some work on some other cases. You
16 may not believe it, but I have six hundred civil cases that
17 I have to worry about, too.

18 (Pause.)

19 THE CLERK: Juror Number 5, Frederick Carey, is
20 excused.

21 Juror Number 8, Bruce Downer, is excused.

22 Juror Number 10, Michael Kope, is excused.

23 Juror Number 12, Helen Nash, is excused.

24 Juror Number 14, Frederick Picune, is excused.

25 THE COURT: Mr. Clerk, will you give the jurors

1 MP

2 their cards, please.

3 Will you folks please return to the Central Jury
4 Room, which is located across the hall on the first floor
5 here. Thank you very much.

6 Mr. Clerk, would you be good enough to call the
7 next names.

8 THE CLERK: Juror Number 5 is now Rose M.
9 Trentacoste.

10 THE COURT: Is that Miss or Mrs.?

11 PROSPECTIVE JUROR 5: Miss.

12 THE COURT: Did we pronounce your name right,
13 ma'am?

14 PROSPECTIVE JUROR 5: Yes; you did.

15 THE COURT: That must be the first time today.

16 THE CLERK: Have a seat in the --

17 THE COURT: No. Hold on.

18 Mrs. Trentacoste, you have heard my general ques-
19 tions about the possible length of the trial, and you have
20 also heard my comments about the possibility of sequestration.
21 Would that cause an insuperable personal burden on you now?

22 PROSPECTIVE JUROR 5: Yes.

23 THE COURT: All right. Do you want to come up,
24 please.

25 (Discussion at the side bar with Prospective Juror

1 MP

2 Number 5.)

3 (In open court:)

4 THE COURT: All right. Take your card and stand
5 in the back of the room, please.

6 Call the next juror, please.

7 THE CLERK: Juror Number 5 is now Carmen M. Pappas.

8 THE COURT: Is that Miss or Mrs. Pappas?

9 PROSPECTIVE JUROR 5: Mrs. Pappas.

10 THE COURT: Mrs. Pappas, you have heard my com-
11 ments about the length of this trial and the possibility of
12 sequestration. Do you feel that that would impose an
13 insuperable burden upon you?

14 PROSPECTIVE JUROR 5: Yes.

15 THE COURT: All right. Come on up.

16 (Discussion at the side bar with Prospective Juror
17 Number 5.)

18 (In open court:)

19 THE COURT: All right. Stand in the back of the
20 courtroom, please.

21 Mr. Clerk, will you call the next juror, please.
22 Mrs. Pappas is excused.

23 THE CLERK: Juror Number 5 is now Mrs. Evelyn
24 Watson.

25 THE COURT: Mrs. Watson, you have heard my questions

1 MP

2 about the length of the trial and the possibility of seques-
3 tration. Do you feel that this would cause an insuperable
4 burden on you?

5 PROSPECTIVE JUROR 5: Yes.

6 THE COURT: All right. Do you want to come up and
7 talk to me about it.

8 (Discussion at the side bar with Prospective Juror
9 Number 5.)

10 (In open court:)

11 THE COURT: Mrs. Watson is excused. Mrs. Watson,
12 be sure to pick up your coat and your belongings.

13 Call the next name, please.

14 THE CLERK: Juror Number 5 is now Leonore T.
15 Mackler.

16 Is that Miss or Mrs., ma'am?

17 PROSPECTIVE JUROR 5: Mrs.

18 THE CLERK: Thank you.

19 THE COURT: Mrs. Mackler, you have heard my
20 questions to the jury panel about the possible length of
21 this case and also the possibility of sequestration. Would
22 that cause an insuperable burden on you personally?

23 PROSPECTIVE JUROR 5: Your Honor, would you please
24 advise me what sequestration -- would that be for the dura-
25 tion of the trial?

1 MP

2 THE COURT: That would be for the duration of the
3 trial, yes.

4 PROSPECTIVE JUROR 5: May I speak to you personally?

5 (Discussion at the side bar with Prospective Juror
6 Number 5.)

7 (In open court:)

8 THE COURT: Mrs. Mackler is excused.

9 THE CLERK: Juror Number 5 is now Judith V. Buckley.
10 Is that Miss or Mrs., ma'am?

11 PROSPECTIVE JUROR 5: Miss.

12 THE COURT: Miss Buckley, do you feel that the
13 length of the trial and the possible sequestration will cause
14 any undue burden on you?

15 PROSPECTIVE JUROR 5: No.

16 THE COURT: Would you please take the second seat
17 in the first row.

18 THE CLERK: Juror Number 8 is now Allen Sidell.

19 THE COURT: Mr. Sidell, you have heard my comments
20 about the length of this case and the possibility of seques-
21 tration. Would that cause any undue burden on you, sir?

22 PROSPECTIVE JUROR 8: Yes, your Honor.

23 THE COURT: All right. Do you want to come up and
24 chat with me about it?

25 (Discussion at the side bar with Prospective Juror

1 MP

2 Number 8.)

3 (In open court:)

4 THE COURT: Mr. Sidell is excused.

5 Call the next juror, please.

6 THE CLERK: Juror Number 8 is now Charles M.
7 Sullivan.

8 THE COURT: Mr. Sullivan, you have heard my com-
9 ments about the possible length of this case and the possibil-
10 ity of sequestration. Would that cause you any undue
11 burden, sir?

12 PROSPECTIVE JUROR 8: Yes, sir.

13 THE COURT: Do you want to step up and chat with
14 me a moment?

15 (Discussion at the side bar with Prospective Juror
16 Number 8.)

17 (In open court:)

18 THE COURT: Mr. Sullivan is excused.

19 THE CLERK: Juror Number 8 is now Anne H. Jackson.

20 THE COURT: Will those jurors standing in the back
21 of the courtroom who have been excused please go back to the
22 Central Jury Room, located across the hall.

23 Is that Mrs. Jackson?

24 PROSPECTIVE JUROR 8: Yes, sir.

25 THE COURT: Mrs. Jackson, you have heard my comment

1 MP

2 about the possible length of this trial and the possibility
3 that the jury might be sequestered. Would that cause you an
4 insuperable personal burden?

5 PROSPECTIVE JUROR 8: Yes.

6 THE COURT: All right. Why don't you come up, and
7 we will chat about it.

8 (Discussion at the side bar with Prospective Juror
9 Number 8.)

10 (In open court:)

11 THE COURT: All right. Would you take the second
12 seat in the second row. All right?

13 THE CLERK: Juror Number 10 is now James J. Nilan.

14 THE COURT: Mr. Nilan, you have heard my comments
15 about the length of the case and the possibility of seques-
16 tration. Would that cause you any insuperable personal bur-
17 den, sir?

18 PROSPECTIVE JUROR 10: Yes.

19 THE COURT: Why don't you come up and tell me
20 about it.

21 (Discussion at the side bar with Prospective Juror
22 Number 10.)

23 (In open court:)

24 THE COURT: Mr. Nilan is excused.

25 THE CLERK: Juror Number 10 is now Walter G. Monaghan.

1 MP

2 THE COURT: Mr. Monaghan, you have heard my com-
3 ments about the possible length of this case and the possibil-
4 ity of sequestration. Would that cause an undue burden upon
5 you?

6 PROSPECTIVE JUROR 10: Yes; it would.

7 THE COURT: All right. Come on up.

8 (Discussion at the side bar with Prospective Juror
9 Number 10.)

10 (In open court:)

11 THE COURT: Mr. Monaghan is excused. Call the
12 next juror, please.

13 THE CLERK: Juror Number 10 is now Miss Annie L.
14 Hamm.

15 THE COURT: Miss Hamm -- is it Miss or Mrs.?

16 PROSPECTIVE JUROR 10: Miss.

17 THE COURT: Miss Hamm, you have heard my comments
18 about sequestration and the length of the trial. Would that
19 cause you any great burden?

20 PROSPECTIVE JUROR 10: Yes.

21 THE COURT: All right. Come up and we will chat.

22 (Discussion at the side bar with Prospective Juror
23 Number 10.)

24 (In open court:)

25 THE COURT: Miss Hamm is excused. Call the next

1 MP

2 juror, please.

3 THE CLERK: Juror Number 10 is now Nirva Gonzalez.
4 Is that Miss or Mrs. Gonzalez?

5 PROSPECTIVE JUROR 10: Miss Gonzalez.

6 THE COURT: Miss Gonzalez, you have heard my
7 comments about the length of the case and the possibility that
8 the jury will be sequestered. Would that cause a real
9 burden for you?

10 PROSPECTIVE JUROR 10: Yes; it would.

11 THE COURT: All right. Come up, and we will chat
12 about it.

13 (Discussion at the side bar with Prospective Juror
14 Number 10.)

15 (In open court:)

16 THE COURT: Miss Gonzalez is excused. Call the
17 next juror, please.

18 THE CLERK: Juror Number 10 is now Anthony
19 Ranieri.

20 THE COURT: Mr. Ranieri, you have heard my comments
21 about the length of the case, the possible length of the case
22 and the possibility of sequestration. Would that cause any
23 real burden on you, sir?

24 PROSPECTIVE JUROR 10: Yes, sir.

25 THE COURT: All right. Come on up.

1 MP

2

3

(Discussion at the side bar with Prospective Juror
Number 10.)

4

5

THE COURT: Mr. Ranieri is excused. Call the next
juror, please.

6

7

THE CLERK: Juror Number 10 is now Gertrude Rausch
Is that Miss or Mrs.?

8

PROSPECTIVE JUROR 10: Mrs.

9

10

THE COURT: Mrs. Rausch, do we pronounce your name
correctly?

11

PROSPECTIVE JUROR 10: Yes.

12

13

14

THE COURT: Mrs. Rausch, you have heard my comment
about the length of the trial and the possible sequestration
of the jury. Would that cause you any undue burden?

15

PROSPECTIVE JUROR 10: No.

16

17

THE COURT: All right. Would you please take the
center seat there, in the second row.

18

19

THE CLERK: Juror Number 12 is now Miss Mary C.
Barth.

20

21

22

23

THE COURT: Miss Barth, you have heard my comments
about the possible length of this trial and the possibility
that the jury will be sequestered. Does that cause you any
great or undue burden, ma'am?

24

PROSPECTIVE JUROR 12: Yes; it would.

25

THE COURT: All right. Come on up, and we will

1 MP

2 chat about it.

3 (Discussion at the side bar with Prospective Juror
4 Number 12.)

5 (In open court:)

6 THE COURT: Miss Barth is excused.

7 Call the next juror, please.

8 Those jurors in the back of the room who have been
9 excused will please return to the Central Jury Room.

10 THE CLERK: Juror Number 12 is not Catherine V.
11 Monahan.

12 Is that Miss or Mrs., ma'am?

13 PROSPECTIVE JUROR 12: Mrs.

14 THE COURT: Mrs. Monahan, you have heard my com-
15 ments about the potential length of the trial and also about
16 the possibility of sequestration. Would that cause you a
17 real burden?

18 PROSPECTIVE JUROR 12: Yes.

19 THE COURT: All right. Come on up.

20 (Discussion at the side bar with Prospective Juror
21 Number 12.)

22 (In open court:)

23 THE COURT: Mrs. Monahan is excused. Would you
24 wait in the back of the room, please.

25 THE CLERK: Juror Number 12 is now Anne T. Hart.

MP

THE COURT: Is that Miss or Mrs.?

PROSPECTIVE JUROR 12: Mrs.

THE COURT: Mrs. Hart, you heard my comments about the potential length of this case and the possibility that the jury might be sequestered. Would that cause a real burden on you, ma'am?

PROSPECTIVE JUROR 12: Yes; it would, your Honor.

THE COURT: All right. Come on up.

(Discussion at the side bar with Prospective Juror Number 12.)

(In open court:)

THE COURT: Mrs. Hart is excused. Call the next juror, please.

THE CLERK: Juror Number 12 is now David Williams.

THE COURT: Mr. Williams, you heard the conditions of serving on this jury, the possible length of the trial and the possibility that the jury may be sequestered. Would that cause any great burden to you, sir?

PROSPECTIVE JUROR 12: Yes.

THE COURT: It would?

PROSPECTIVE JUROR 12: Yes.

THE COURT: All right. Come on up and let's chat about it.

(Discussion at the side bar with Prospective Juror

1 MP

2 Number 12.)

3 (In open court:)

4 THE COURT: Take the last seat in the second row.

5 THE CLERK: Juror Number 14 is now Essie Fitz-
6 gerald.

7 Is that Miss or Mrs.?

8 PROSPECTIVE JUROR 14: Mrs.

9 THE COURT: Mrs. Fitzgerald, is there anything you
10 want to talk to me about in connection with the burden of
11 serving on this jury under the circumstances I have commented
12 upon previously?

13 PROSPECTIVE JUROR 14: Yes.

14 THE COURT: All right. Come on up.

15 (Discussion at the side bar with Prospective Juror
16 Number 14.)

17 (In open court:)

18 THE COURT: Mrs. Fitzgerald is excused. Call the
19 next juror, please.

20 THE CLERK: Juror Number 14 is now Thomas A.
21 Daffron.

22 THE COURT: Mr. Daffron, you have heard the con-
23 ditions of service on this jury, the potentiality of a fairly
24 long trial and the possibility of sequestering the jury.
25 Would that cause an undue burden for you, sir?

JHP

1

PROSPECTIVE JUROR 14: Yes.

2

THE COURT: All right. Come on up.

3

4

(Discussion at the side bar with Prospective Juror Number 14.)

5

6

(In open court:)

7

THE COURT: Mr. Daffron is excused.

8

Call the next juror, please.

9

THE CLERK: Juror Number 14 is now Raymond Tatro.

10

THE COURT: Mr. Tatro, before going into the jury box, is there anything in connection with service on this jury that you want to tell me about?

12

13

PROSPECTIVE JUROR 14: Yes; there is, your Honor.

14

THE COURT: All right. Come on up.

15

16

(Discussion at the side bar with Prospective Juror Number 14.)

17

(In open court:)

18

19

THE COURT: Mr. Tatro is excused. Call the next juror.

20

THE CLERK: Juror Number 14 is now Mrs. Sonia Gitner.

21

22

23

THE COURT: Mrs. Gitner, you have heard my comment about the length of the trial and the possibility of sequestration. Would that cause you an undue burden?

24

PROSPECTIVE JUROR 14: Yes; it would.

25

THE COURT: All right. Come on up.

1 JHP

2 (Discussion at the side bar with Prospective Juror
3 Number 14.)

4 (In open court:)

5 THE COURT: Mrs. Gitner is excused.

6 Call the next juror, please.

7 THE CLERK: Juror Number 14 is now Peter F. Morgan.

8 THE COURT: Mr. Morgan, you have heard my comments
9 as to the possibility of a long trial and the possibility of
10 sequestration. Would that place an undue burden on you, sir?

11 PROSPECTIVE JUROR 14: No.

12 THE COURT: All right. Take your place in the jury
13 box, please, the second seat in the third row.

14 Miss Buckley, you heard the general questions that
15 I asked before, and I said I expected negative answers. Were
16 there any of those questions that you would have answered
17 "yes" to?

18 PROSPECTIVE JUROR 5: No.

19 BY THE COURT:

20 Q I see you live now in Manhattan. Have you lived
21 there for the last five years?

22 A (P. J. 5) Yes.

23 Q Are you presently employed?

24 A Yes.

25 Q What do you do?

1 JHP

2 A I am a flight attendant for Eastern Airlines.

3 Q Have you done that for the last five years?

4 A Yes.

5 Q You have lots of flying time, I bet.

6 A Yes.

7 Q Miss Buckley, would you be good enough to tell us
8 what newspapers you read?

9 A Not very often.

10 Q You don't read newspapers often?

11 A No.

12 Q Do you watch any TV news programs or radio?

13 A I usually skip the news part.

14 Q Just on the potentiality that you picked up a news-
15 paper or were watching TV, did you ever hear anything or see
16 anything about any of these defendants or this case?

17 A No, sir.

18 Q Mrs. Jackson, I believe you live in Manhattan; is
19 that correct?

20 A (P. J. 8) Yes.

21 Q Mrs. Jackson, have you lived in Manhattan for the
22 last five years?

23 A Yes.

24 Q You are presently unemployed; is that correct?

25 A Yes.

1 JHP

2 Q Mrs. Jackson, is your husband living with you? Is
3 he alive?

4 A No.

5 Q Do you read any particular newspaper every day,
6 ma'am?

7 A The Daily News.

8 Q Di you watch any particular TV program or listen to
9 any radio news program?

10 A I listen to Channel 4.

11 Q Have you seen anything or read anything in connec-
12 tion with this particular case?

13 A No.

14 Q Mrs. Rausch, you also live in Manhattan?

15 A (P. J. 10) Correct.

16 Q Have you lived there for the last five years?

17 A Yes.

18 Q Are you presently employed?

19 A No.

20 Q Is your husband alive?

21 A No.

22 Q What newspaper do you read generally?

23 A The New York Times and the Women's Wear Daily.

24 Q How about your TV News programs? Do you watch any
25 particular one?

1 JHP

2 A Not regularly, but most of them at some time or
3 another, yes.

4 Q Did you ever read anything or hear anything about
5 this case or these defendants?

6 A No.

7 Q Mr. Williams, you live in Westchester; right?

8 A (P. J. 12) Yes.

9 Q Have you lived there for the last five years, sir?

10 A Yes.

11 Q Mr. Williams, are you presently employed?

12 A No.

13 Q Are you retired?

14 A No.

15 Q During the last five years what was your general
16 line of work?

17 A Well, orderly and porter.

18 Q Are you married, sir?

19 A No.

20 Q What newspapers do you generally read, sir?

21 A The News.

22 Q Do you watch any news programs on TV or listen to
23 any of the news stations?

24 A Eyewitness News.

25 Q Have you ever seen or read anything or heard anyth

1 JHP

2 about this case or these defendants?

3 A No.

4 Q Mr. Peter Morgan, I see you live in the Bronx.

5 A (P. J. 14) Yes, sir.

6 Q Have you lived there for the last five years?

7 A No. I was a seaman in '69 and '68.

8 Q Other than the time at sea, did you live in the
9 Bronx?

10 A Yes.

11 Q Are you presently employed, sir?

12 A Yes, sir.

13 Q What do you do?

14 A I work at Fordham Hospital, security officer.

15 Q Have you worked in such a position for the last
16 five years?

17 A No. I was a student, '70 and '71.

18 Q Before that, you were a seaman for a couple of years?

19 A Yes.

20 Q Are you married, sir?

21 A No, sir.

22 Q Could you tell us what newspaper you read?

23 A Well, the News, Times, you know, Post. Maybe one
24 or the other.

25 Q Do you regularly watch or listen to a news program?

1 JHP

2 A Yes, sir.

3 Q Which one?

4 A None in particular. 2, 4 or 7.

5 Q Have you heard anything or read anything about
6 this case?

7 A I have.

8 Q Do you want to come down, please.

9 (Discussion at the side bar with Prospective Juror
10 Number 14.)

11 THE COURT: Do you challenge for cause?

12 MR. LOPEZ: Yes.

13 THE COURT: All right.

14 (In open court:)

15 THE COURT: Mr. Morgan is excused.

16 Call the next juror, please.

17 THE CLERK: Juror Number 14 is now Ruth B. Cowan.

18 MR. LOPEZ: Your Honor, would it be possible for the
19 Court to inquire of the new members of the panel in connec-
20 tion with their jury service, whether or not they have been
21 victims of a crime, or any immediate or close member of
22 their family, whether or not they have been a witness or
23 complainant --

24 THE COURT: All right, Mr. Lopez. I know what you
25 are driving at. Let's finish filling the jury box first.

1 JHP

2 BY THE COURT:

3 Q Miss Cowan, you have heard my comments about the
4 length of this case and the possibilities of sequestration.
5 Would that cause an undue burden on you, ma'am?

6 A (P. J. 14) Yes; it would.

7 THE COURT: All right. Come on up and we will
8 chat about it.

9 (Discussion at the side bar with Prospective Juror
10 Number 14.)

11 THE COURT: Under those circumstances, I will
12 excuse you.

13 MR. CURRAN: Your Honor, while Mr. Lopez is here,
14 it seems to me that if applications for questions are going
15 to be made to your Honor, they should be done at the side
16 bar and not in open court.

17 MR. LOPEZ: I am sorry. I just remembered when I
18 went down there.

19 THE COURT: I have a problem. The jury has not
20 been able to take care of their biological needs for a while.
21 Let's see if we can seat Number 14, and then we will take a
22 break.

23 MR. LOPEZ: Good.

24 (In open court:)

25 THE COURT: Miss Cowan is excused.

1 JHP

2 Call the next juror, please.

3 THE CLERK: Juror Number 14 is now Anthony
4 Montemarra.

5 THE COURT: Mr. Montemarra, you have heard my com-
6 ments about the length of the trial and the possibility of
7 sequestration. Would that cause a real burden to you, sir?

8 PROSPECTIVE JUROR 14: Yes.

9 THE COURT: All right. Come on up.

10 (Discussion at the side bar with Prospective Juror...
11 Number 14.)

12 (In open court:)

13 THE COURT: Mr. Montemarra is excused. Call the
14 next juror, please.

15 THE CLERK: Juror Number 14 is now Edward R. Maass.

16 THE COURT: Mr. Maass, you have heard my comments
17 about the potential length of the trial and the possibility
18 of sequestration. Would that cause you any undue burden,
19 sir?

20 PROSPECTIVE JUROR 14: No.

21 THE COURT: All right. I recognize, ladies and
22 gentlemen, that you have been sitting there since two o'clock.
23 I don't know if there are any smokers among you but there
24 may be. If there are and your nicotine addiction is such
25 that you would like to go out and have a cigarette -- will

1 JHP

2 the Marshal and the clerk please escort the jurors that are
3 in the box to the jury room.

4 Those jurors on the jury panel in the back of the
5 room can leave now. Everybody else, however, remain seated.
6 Those jurors on the jury panel, be back here in ten minutes,
7 please.

8 (Pause.)

9 THE COURT: Do you have an application?

10 MR. LOPEZ: No.

11 THE COURT: All right. Let's take a ten-minute
12 break.

13 (Recess.)

14 BY THE COURT:

15 Q Mr. Maass, you live in Manhattan; is that correct,
16 sir?

17 A (P. J. 14) Yes, sir.

18 Q Have you lived there for the last five years?

19 A Yes.

20 Q What is your present occupation, sir?

21 A Security guard for the Daily News in Brooklyn.

22 Q Mr. Maass, are you married?

23 A No; I am single.

24 Q Have you worked as a security guard for the last
25 five years, sir?

1 JHP

2 A Yes.

3 Q I am fearful about asking the next question, but
4 do you read a paper daily?

5 A The News and the Post.

6 Q Mr. Maass, do you watch any TV news program or
7 listen to a radio news program?

8 A Sometimes the late news on TV.

9 Q Mr. Maass, have you read or heard or seen anything
10 on television about this case or any of the defendants in-
11 volved here?

12 A The defendants. I don't know about the case.

13 THE COURT: Why don't you come down, Mr. Maass.

14 (Discussion at the side bar with Prospective Juror
15 Number 14.)

16 MR. LOPEZ: Two things, your Honor: the defense
17 would like to challenge this prospective juror for cause.
18 We feel he has familiarized himself with certain aspects of
19 the case which might become relevant during the course of
20 trial. I don't think the prospective juror is in a position
21 now to really evaluate the full impact of what he already
22 knows. I think he will start relating it to what he has
23 read in the past, and I don't believe that instructions to
24 cure this type of attitude and thinking on the part of the
25 juror would be sufficient in the event that he is called upon

1 JHP

2 for jury service and to deliberate upon the verdict here. So
3 I would like to note for the record that we do challenge
4 this juror for cause.

5 THE COURT: The challenge is rejected, Mr. Lopez.
6 You say you had a second thing?

7 MR. LOPEZ: The second thing is, Joseph Marchese
8 has a small job, or a job. If he could leave now, your
9 Honor -- his attorney has made that request -- he would
10 appreciate it greatly.

11 THE COURT: Mr. Marchese's attorney ought to come
12 up here, in the circumstances.

13 MR. CURLEY: Mr. Lopez was asked on my behalf to see
14 if my client could leave a little early today. He is working
15 nights, and he has to go in to change into his work clothes.

16 In the future, he will obtain a locker in his
17 place of employment so he can change there.

18 THE COURT: Mr. Curley, you recognize that this is
19 a voluntary absence.

20 MR. CURLEY: Yes.

21 THE COURT: And I hope he recognizes it also. You
22 have explained it to him?

23 MR. CURLEY: Yes.

24 THE COURT: All right. Under the circumstances he
25 can go.

1 JHP

2 MR. CURLEY: Thank you.

3 (In open court:)

4 PROSPECTIVE JUROR 16: Your Honor, I would like
5 to come up and talk to you.

6 THE COURT: All right.

7 (Discussion at the side bar with Prospective Juror
8 Number 16.)

9 (In open court:)

10 THE COURT: Juror Number 16, Mr. DeLoesch, is
11 excused.

12 Call the next juror, please.

13 THE CLERK: Juror Number 16 is now Ilana Strauss.

14 THE COURT: Is that Miss or Mrs.?

15 PROSPECTIVE JUROR 16: Mrs.

16 THE COURT: Mrs. Strauss, you have heard my com-
17 ments today about the possible length of this trial and the
18 possibility of sequestration of the jury. Would that cause
19 you a burden, ma'am?

20 PROSPECTIVE JUROR 16: Yes.

21 THE COURT: All right. Come on up.

22 (Discussion at the side bar with Prospective Juror
23 Number 16.)

24 (In open court:)

25 THE COURT: Mrs. Strauss is excused.

1 JHP

2 Call the next juror, please.

3 THE CLERK: Juror Number 16 is now Ada Roberson.

4 Is that Miss or Mrs.?

5 PROSPECTIVE JUROR 16: Miss.

6 THE COURT: Miss Roberson, you have heard my
7 comments about the possibility of being sequestered and the
8 potential length of the trial. Would that cause you any
9 real inconvenience?

10 PROSPECTIVE JUROR 16: Yes.

11 THE COURT: All right. Come on up.

12 (Discussion at the side bar with Prospective Juror
13 Number 16.)

14 (In open court:)

15 THE COURT: Miss Roberson is excused. Call the
16 next juror, please.

17 THE CLERK: Juror Number 16 is now Samuel Houston.

18 THE COURT: Mr. Houston, you have heard my comments
19 before about the length of the trial and the possibility
20 of sequestration. Would that cause you any great personal
21 burden, sir?

22 PROSPECTIVE JUROR 16: Yes; it would.

23 THE COURT: All right. Come on up.

24 (Discussion at the side bar with Prospective Juror
25 Number 16.)

1 JHP

2 (In open court:)

3 THE COURT: Mr. Houston is excused. Call the next
4 juror, please.

5 THE CLERK: Juror Number 16 is now Mrs. Ruth White

6 THE COURT: Mrs. White, you heard my comments about
7 the potentiality or possibility of a long trial, four to
8 six weeks, and the possibility of being sequestered. Would
9 that cause any great inconvenience to you?

10 PROSPECTIVE JUROR 16: Yes.

11 THE COURT: Why don't you come on up, Mrs. White.

12 (Discussion at the side bar with Prospective Juror
13 Number 16.)

14 (In open court:)

15 THE COURT: Mrs. White is excused.

16 THE CLERK: Juror Number 16 is now Clifford Feagin

17 THE COURT: Mr. Feagin, you have heard the circumstances
18 of serving on the jury. Would that cause you any great,
19 really insuperable burden, sir?

20 PROSPECTIVE JUROR 16: Yes; it would.

21 THE COURT: All right. Come on up.

22 (Discussion at the side bar with Prospective Juror
23 Number 16.)

24 (In open court:)

25 THE COURT: Mr. Feagin is excused. Call the next

1 JHP

2 juror, please.

3 THE CLERK: Juror Number 16 is now Jonathan D.
4 Whitney.

5 THE COURT: Mr. Whitney, you have heard my comments
6 about the length of the trial and the possibility of seques-
7 tration. Would that cause you any undue hardship, sir?

8 PROSPECTIVE JUROR 16: Yes; it would.

9 THE COURT: All right. Come on up.

10 (Discussion at the side bar with Prospective Juror ...
11 Number 16.)

12 (In open court:)

13 THE COURT: Mr. Whitney is excused. Call the next
14 juror, please.

15 THE CLERK: Juror Number 16 is now Mrs. Eileen
16 Loughran.

17 THE COURT: Mrs. Loughran, you know the circumstances
18 of service on this jury. Do you feel it would be an insuper-
19 able burden? Yes or no, ma'am? Did you hear me?

20 PROSPECTIVE JUROR 16: No; I did not.

21 THE COURT: You know the circumstances of serving
22 on this jury. Do you feel that it would be a real burden
23 to you, ma'am?

24 PROSPECTIVE JUROR 16: Yes; I do.

25 THE COURT: All right. Come on up.

1 JHP

2 (Discussion at the side bar with Prospective Juror
3 Number 16.)

4 (In open court:)

5 THE COURT: Mrs. Loughran, I note that you live in
6 the Bronx. Have you lived there for the last five years?

7 PROSPECTIVE JUROR 16: Yes, sir.

8 BY THE COURT:

9 Q You are presently employed as a policy writer for
10 the Aetna Life Insurance Company; is that correct?

11 A (P. J. 16) Right.

12 Q Have you worked there for the last five years?

13 A No. For the last three years.

14 Q That's close enough. Are you married?

15 A Yes, but I am separated.

16 Q Will you tell us what newspaper you read, ma'am?

17 A The Daily News.

18 Q What TV programs do you watch, news programs?

19 A Well, I usually watch the Eyewitness News whenever
20 I can.

21 Q Tell me, Mrs. Loughran: have you read anything
22 about this case or heard anything about this case?

23 A No; this is the first time.

24 Q How about the defendants? Have you read anything
25 or heard anything about them?

1 JHP

2 A No. I don't know anything about them at all.

3 THE COURT: Directing myself to the last five --
4 or six jurors -- I guess it's six -- have any of you ever
5 been the victim of a crime?

6 All right. We will start with the lower numbers.

7 BY THE COURT:

8 Q Mrs. Buckley, you say that you were the victim of
9 a crime?

10 A (P. J. 5) Yes.

11 Q Would you tell us what happened?

12 A About three years ago, I was mugged, and then
13 a few months after that, I was held up in a restaurant,
14 with everybody in the restaurant, by five gunmen.

15 Q In connection with either of those incidents, did
16 you appear as a witness or a complainant?

17 A I did not appear. I don't know what a witness is.

18 Q You did not appear at any trial?

19 A No. I called the Police Department.

20 THE COURT: Moving on, who was the next?

21 Mrs. Jackson, you said you were the victim of a
22 crime. What happened there, ma'am?

23 PROSPECTIVE JUROR 8: I was convicted in Winston-
24 Salem.

25

1 JHP

2 BY THE COURT:

3 Q You were convicted?

4 A (P. J. 8) Yes.

5 THE COURT: Why don't you come up here, Mrs. Jacks
6 (Discussion at the side bar with Prospective Juror
7 Number 8.)

8 THE COURT: Do I hear a challenge?

9 MR. LOPEZ: Can she be fair? May I consult one
10 moment?

11 THE COURT: Sure.

12 (Pause.)

13 MR. LOPEZ: No challenge for cause.

14 MR. CURRAN: Would your Honor inquire a little bit
15 further, as to when this happened and whether it has any
16 effect on her present thinking?

17 THE COURT: Sure.

18 (Continued discussion at the side bar with
19 Prospective Juror Number 8.)

20 THE COURT: All right. The challenge is granted.

21 (In open court:)

22 THE COURT: Mrs. Jackson is excused.

23 (At the side bar:)

24 MR. CURRAN: In the light of that response and out
25 of perhaps an excess of caution, I would ask your Honor to

1 JHP

2 ask the jury panel that is sitting there if any of them have
3 ever been arrested and charged with a crime. I stress "crime".
4 I am not talking about traffic violations.

5 MR. LOPEZ: May I suggest that Miss Jackson leave
6 the courtroom?

7 THE COURT: All right.

8 (In open court:)

9 THE COURT: Miss Jackson, why don't you go back to
10 the Central Jury Room, which is across the way.

11 (At the side bar:)

12 THE COURT: I am no expert in the area. My
13 question is: isn't she statutorily barred from serving on a
14 jury?

15 MR. CURRAN: I thought so, but they might not have
16 picked it up here in New York, because they take the jurors
17 off the voting rolls, and maybe she did not answer the
18 question.

19 MR. LOPEZ: We don't even know if she was repre-
20 sented by counsel down there. There may be a number of prob-
21 lems.

22 MR. CURRAN: Your Honor, her response came really
23 to a question. She did not respond to the question that was
24 asked, because you were asking about victims.

25 In the light of that response, I have some concern,

1 JHP

2 because technically she wasn't being responsive. She volun-
3 teered the information.

4 MR. LOPEZ: The only thing is, I would object to
5 arrests. We keep telling people arrests are meaningless.
6 Convictions. I can understand why the U. S. Attorney and
7 even ourselves would be interested in convictions.

8 THE COURT: For different reasons.

9 MR. LOPEZ: For different reasons, of course.

10 MR. CURRAN: I think the question of arrests by
11 itself is not dispositive of anything. It might go to a
12 state of mind.

13 THE COURT: I am aware of the arguments on both
14 sides. Let me think about it.

15 MR. PHILLIPS: Your Honor, if I can just say, I
16 think it is important, because this particular juror we
17 would never have known about but for what occurred.

18 (In open court:)

19 THE COURT: All right. Now, working across,
20 somebody else. Mrs. Rausch.

21 PROSPECTIVE JUROR 10: I had a robbery in my
22 home quite a few years ago.

23 BY THE COURT:

24 Q And did you appear as a witness in any proceeding
25 after that?

1 MP

2 A (P. J. 10) No; just at the police station.

3 THE COURT: All right. Who is the next person?

4 PROSPECTIVE JUROR 14: I had a robbery in my house.

5 THE COURT: Did you appear as a witness?

6 PROSPECTIVE JUROR 14: No.

7 THE COURT: You just reported it to the police?

8 PROSPECTIVE JUROR 14: Yes.

9 THE COURT: The record should reflect that Mrs.
10 Jackson has been excused.

11 THE CLERK: Juror Number 8 is now Charles Omar.

12 THE COURT: Mr. Omar, you have heard the conditions
13 of serving on this -- is that Omar?

14 PROSPECTIVE JUROR 8: Omar.

15 THE COURT: You have heard the conditions of
16 service on this jury. Would that prove a burden to you, sir?

17 PROSPECTIVE JUROR 8: Yes.

18 THE COURT: All right. Come on up.

19 (Discussion at the side bar with Prospective Juror
20 Number 8.)

21 (In open court:)

22 THE COURT: Mr. Omar is excused. Call the next
23 juror, please.

24 THE CLERK: Juror Number 8 is now Patricia J.
25 Schwern.

1 MP

2 Is that Miss or Mrs, ma'am?

3 PROSPECTIVE JUROR 8: Miss.

4 THE COURT: Miss Schwern, you heard the conditions
5 of service on the jury. Would that cause a great burden on
6 you?

7 PROSPECTIVE JUROR 8: No.

8 THE COURT: All right. Will you be good enough
9 to take the second seat in the second row, please.

10 BY THE COURT:

11 Q Miss Schwern, I believe you live in Manhattan; is
12 that correct?

13 A Yes.

14 Q And have you lived there for the last five years?

15 A Yes.

16 Q Are you presently employed?

17 A Yes.

18 Q What kind of work do you do?

19 A Secretary.

20 THE COURT: The answer was, she is a secretary.

21 Q How long have you been employed as a secretary,
22 ma'am?

23 A Eight and a half years.

24 Q Eight and a half years. What kind of a business is
25 your employer in?

1 MP

2 A Communication. AT&T.

3 Q Tell me, Miss Schwern: what newspaper do you read?

4 A The Daily News.

5 Q It's a good thing we aren't taking a poll here.

6 And what TV programs, if any, do you watch, news programs?

7 A Mostly on Channel 2.

8 Q Do you recall any instance where you saw or heard
9 anything about this case or these defendants?

10 A No, sir.

11 Q Have you ever been a victim of a crime?

12 A No.

13 Q THE COURT: Has any of the last jurors who have
14 come into the box ever served as a juror in a civil or
15 criminal case or as a grand juror?

16 PROSPECTIVE JUROR 10: I was on the jury in Nassau
17 County, about fifteen or sixteen years ago, but the case was
18 settled out of court.

19 THE COURT: All right.

20 I assume all of you would have answered "No" to
21 the questions which I asked generally before about any of
22 you people involved here --

23 Mr. Marss?

24 PROSPECTIVE JUROR 14: My cousin is a transit cop,
25 for the Transit Authority.

1 MP

2 THE COURT: All right.

3 Is there anything that anyone here wants to tell
4 me about that you feel would prevent you from rendering
5 a fair and impartial verdict?

6 All right.

7 MR. CURRAN: Government waives its challenges, your
8 Honor.

9 THE COURT: Will you hand the jury board to Mr.
10 Lopez, please.

11 MR. LOPEZ: May we adjourn to the side room?

12 THE COURT: Mr. Lopez, please let's keep it as
13 short as possible.

14 MR. LOPEZ: Yes, your Honor.

15 MR. WARNER: Your Honor, may I approach the bench?

16 (At the side bar:)

17 MR. WARNER: Your Honor, I wonder if my client
18 could leave at this time. He indicated to me his daughter
19 is here, and he would like to be able to take her home. I
20 gather we would be breaking pretty soon.

21 THE COURT: I am going to go as long as I possibly
22 can tonight. I want to start this case.

23 MR. WARNER: I understand.

24 THE COURT: All right. You understand and he under-
25 stands that if he leaves now it is a voluntary absence on his

1 MP

2 part, and the case will go on without him.

3 MR. WARNER: Are we going to open tomorrow?

4 THE COURT: When you go in, remind the other de-
5 fendants of the story of the Devil and Daniel Webster, just
6 in case they forget.

7 MR. WARNER: No one can believe that story when
8 you are picking a jury, although apparently the Government
9 does.

10 THE COURT: I have done it on both sides, and
11 I tell you the first twelve are as good as or as bad as the
12 last twelve.

13 MR. WARNER: Sometimes it doesn't work out.

14 THE COURT: All right. Tell your client he can go.

15 Mr. Clerk, will you be good enough to escort the
16 jury into the jury room. I think perhaps you could use a
17 change of scenery.

18 (Recess.)

19 THE CLERK: Juror Number 3, Mr. Bernie, you are
20 excused.

21 Juror Number 4, Mrs. Sperling, you are excused.

22 Juror Number 10, Mrs. Rauch, you are excused.

23 Mr. Williams, Juror Number 12, you are excused.

24 Mr. Maass, Juror Number 14, you are excused.

25 THE COURT: Mr. Maass, I see you still have your

1 MP

2 coat. Will you be good enough to return these cards to the
3 Jury Commissioner across the way, in the jury room? Thank
4 you very much.

5 All right, Mr. Clerk, call the next jurors.

6 THE CLERK: Juror Number 3 is now Fred Perino.

7 THE COURT: Mr. Perino, before you get in the jury
8 box, you know the circumstances under which you would serve
9 in this case. Would they cause a real problem with you?

10 PROSPECTIVE JUROR 3: Yes, and I have an affirmative
11 answer to a previous question.

12 THE COURT: All right. Come on up.

13 (Discussion at the side bar with Prospective Juror
14 Number 3.)

15 (In open court:)

16 THE COURT: All right. Mr. Perino is excused.
17 Call the next juror.

18 THE CLERK: Juror Number 3 is now Ella Gardner.
19 Is that Miss or Mrs.?

20 PROSPECTIVE JUROR 3: Mrs.

21 THE COURT: Mrs. Gardner, you know the circumstances
22 of serving on this jury. Would this cause you an insuperable
23 problem?

24 PROSPECTIVE JUROR 3: Yes; it would.

25 THE COURT: Come on up.

1 MP

2 (Discussion at the side bar with Prospective Juror
3 Number 3:)

4 (In open court:)

5 THE COURT: Mrs. Gardner is excused.

6 Call the next juror, please.

7 THE CLERK: Juror Number 3 is now David Leinoff.

8 THE COURT: Mr. Leinoff, you know the circumstances
9 of serving on this jury, the length of the trial and the
10 possible sequestering of the jury. Do you feel that that
11 would cause a real, insuperable burden?

12 PROSPECTIVE JUROR 3: Yes; it would.

13 THE COURT: All right. Come on up.

14 (Discussion at the side bar with Prospective Juror
15 Number 3.)

16 (In open court:)

17 THE COURT: All right. Mr. Leinoff is excused.

18 PROSPECTIVE JUROR 3: Thank you very much.

19 THE COURT: All right. Call the next juror, please.

20 THE CLERK: Juror Number 3 is now Leon Banks.

21 THE COURT: Mr. Banks, you know the circumstances
22 of serving on this jury. Would it cause you any great incon-
23 venience, sir?

24 PROSPECTIVE JUROR 3: It would.

25 THE COURT: All right. Come on up.

1 MP

2 (Discussion at the side bar with Prospective Juror
3 Number 3.)

4 (In open court:)

5 THE COURT: All right. Go back to the Central Jury
6 Room.

7 Mr. Banks is excused. Call the next juror, please.

8 THE CLERK: Juror Number 3 is now Miss Nancy B.
9 Jewell.

10 THE COURT: Miss Jewell, do you know the circumstances
11 of service on this jury? Would you be willing to serve?

12 PROSPECTIVE JUROR 3: I would rather not.

13 THE COURT: I know we would all rather not. I
14 can assure you that, including me, there are a lot of people
15 who would rather not, but would it cause you an undue burden,
16 ma'am?

17 PROSPECTIVE JUROR 3: I think it would be.

18 THE COURT: All right. Come on up.

19 (Discussion at the side bar with Prospective Juror
20 Number 3:)

21 (In open court:)

22 THE COURT: All right. Take a seat now, and if you
23 really feel that it is overwhelming tomorrow morning we will
24 talk about it some more.

25 PROSPECTIVE JUROR 3: All right.

1 MP

2 THE COURT: Take the third seat in the first row,
3 please, Miss Jewell.

4 THE CLERK: Juror Number 4 is now Trudy Lichten-
5 stein. Is that Miss or Mrs.?

6 PROSPECTIVE JUROR 4: Mrs.

7 THE COURT: Mrs. Lichtenstein, you know the cir-
8 cumstances of serving on this jury. Would that cause
9 you any insuperable burden?

10 PROSPECTIVE JUROR 4: Yes.

11 THE COURT: It would? All right. Come on up. Let'
12 chat about it.

13 (Discussion at the side bar with Prospective Juror
14 Number 4.)

15 (In open court:)

16 THE COURT: All right. Mrs. Lichtenstein is excused
17 Call the next juror, please.

18 THE CLERK: Juror Number 4 is Donna P. Richardson.

19 THE COURT: Is that miss or Mrs. Richardson?

20 PROSPECTIVE JUROR 4: Mrs. Richardson.

21 THE COURT: Mrs. Richardson, you know the circum-
22 stances of serving on this jury. Do you feel it would be
23 an insuperable burden?

24 PROSPECTIVE JUROR 4: Yes.

25 THE COURT: All right. Come on up.

1 MP

2 (Discussion at the side bar with Prospective Juror
3 Number 4.)

4 (In open court:)

5 THE COURT: All right, ma'am. Mrs. Richardson is
6 excused. Call the next juror, please.

7 THE CLERK: Juror Number 4 is now Miss Mildred
8 Seltzer.

9 PROSPECTIVE JUROR 4: Mrs. Seltzer.

10 THE COURT: Mrs. Seltzer, you know the circumstances
11 of serving on this jury. Do you feel that it would be a
12 great burden?

13 PROSPECTIVE JUROR 4: Yes; I am afraid it would.

14 THE COURT: All right. Come on up.

15 (Discussion at the side bar with Prospective Juror
16 Number 4.)

17 (In open court:)

18 THE COURT: All right. You are excused.

19 Call the next juror, please. There is one lone
20 gentleman sitting down in the back. Come on up, please, sir.

21 THE CLERK: Juror Number 4 is now Matthew J.
22 Kessler.

23 THE COURT: Mr. Kessler, do you know the circumstances
24 about sitting on this jury?

25 PROSPECTIVE JUROR 4: Yes, your Honor.

1 MP

2 THE COURT: Would it be a great burden for you,
3 sir?

4 PROSPECTIVE JUROR 4: Yes; it would.

5 THE COURT: All right. Come on up.

6 (Discussion at the side bar with Prospective Juror
7 Number 4.)

8 (In open court:)

9 THE COURT: All right. You are excused.

10 All right. Those jurors in the jury box I am going
11 to ask the marshal to bring you to the jury room for just a
12 few minutes. I have something I want to discuss with counsel
13 that will not -- well, it might be of interest to you, but
14 you are not directly involved.

15 (The prospective jurors in the jury box left the
16 courtroom.)

17 THE COURT: Gentlemen, you know, naturally this
18 jury will be sequestered, for a number of reasons. I think
19 that tonight I am going to take a chance and let this jury go
20 home. I am going to instruct them that they are not to read
21 any newspapers or watch any news on television or any program
22 on radio, news program. If anyone has a paper here, I will
23 tell them what they can watch.

24 There will come a time when they will have to go
25 get clothing, at least, and I think we are going to take a

1 MP

2 chance tonight, and I hope nothing happens.

3 Does anyone have a fatal objection to that?

4 MR. DOWD: Your Honor, there is a small article in
5 the Post this afternoon, but I don't think there is much to
6 it.

7 THE COURT: All right. I haven't seen it.

8 I will tell them specifically not to read any
9 newspaper except the Daily Racing Form. Does that make you
10 happy?

11 MR. DOWD: I don't think it will make me happy.

12 THE COURT: Which would not make you happy? The
13 Daily racing Form or me telling them that?

14 MR. DOWD: A few winners would make me happy, your
15 Honor.

16 THE COURT: Well, let me take care of releasing
17 them first. The rest of us will have to stay, Mr. Clerk.

18 Would you ask the jury to come back?

19 (The panel of prospective jurors entered the court-
20 room.)

21 THE COURT: Ladies and gentlemen, I indicated to
22 you that there might be some possibility of sequestration, and
23 last night the jurors who were chosen yesterday were put up,
24 and I understand the marshal has made arrangements for this
25 evening. I guess I am going to overrule those arrangements.

1 MP

2 I am going to ask you to do certain things and then release
3 you so that you can go home tonight.

4 The things I am going to ask you to do are a
5 little different, but they really aren't that bad.

6 One, don't read a newspaper. Don't read any kind of
7 a newspaper. All right?

8 Two, skip the evening news programs, whatever they
9 might be.

10 Three, don't discuss the case with anyone. Don't
11 stay in a place where you will overhear anyone discussing
12 this case. All right.

13 Now, when you come back tomorrow, see if you can
14 pack a light suitcase that you can carry, and, really, I
15 guess those of you who have traveled know the kind of stuff
16 to take. I am not very good at wardrobes. My wife always
17 takes care of me when I travel.

18 Right now, though, you are released for the evening
19 Please bring back the suitcase tomorrow, and we will continue
20 on from there. All right. Then you can leave right this way

21 Mr. Marshal, would you be good enough to make sure
22 -- I will be here with these folks, but make sure the jury
23 leaves the courthouse.

24 A PROSPECTIVE JUROR: Your Honor, what time do
25 you want us to come back?

1 MP

2 THE COURT: I am sorry. If you were sequestered,
3 of course, the marshal would transport you.

4 I want you to come back here, in the jury room where
5 you have been in, at a quarter to ten tomorrow. Please be
6 prompt.

7 (The panel of prospective jurors left the court-
8 room.)

9 THE COURT: All right. Now, there has been some
10 question as to how we are going to work in this trial. We
11 will work, as I said, the same hours: ten o'clock in the
12 morning until four-thirty in the evening. With the jury se-
13 questered, however, we are going to work six days a week.
14 I don't know who raised the question about it. I thought it
15 was perfectly clear.

16 MR. WARNER: Your Honor, actually, as I recall,
17 your Honor said that it would be Monday through Friday, ten
18 to four-thirty.

19 THE COURT: I don't believe I did, but if I did,
20 I either misspoke or I am changing the ground rules, but, one
21 way or the other, it's going back to six days a week.

22 MR. WARNER: Your Honor, first of all, Mr. Richman
23 asked me to speak for him. Mr. Richman observes Saturdays
24 as non-working days, kosher and Jewish, and he does not work
25 on Saturday. I spoke to him about it, and he said there is

1 MP

2 nobody to replace him. It's against his faith.

3 THE COURT: All right. Let me talk to Mr. Richman
4 when Mr. Richman shows up.

5 MR. WARNER: And, your Honor, I would like to speak
6 for myself. I am a single practitioner, like many other at-
7 torneys in the case, and because of the time involved in
8 being here for this trial, in addition to the time involved
9 in listening to the tapes, the only possible day that I can,
10 for example, see clients who happen to be incarcerated is
11 on Saturday, during the morning visiting hours.

12 This would make it impossible for me to visit any
13 of my clients for the next six weeks and perhaps more.

14 THE COURT: I will take your problems under con-
15 sideration.

16 Mr. King, you were first, I guess.

17 MR. KING: Judge, I have the same problem. I am a
18 single practitioner.

19 THE COURT: All right. I would guess that all
20 single practitioners would have the same problem; is that
21 correct?

22 MR. KING: Well, I see no other time that I will
23 have to take care -- In all fairness to my other clients,
24 they deserve some attention.

25 THE COURT: I understand. I have six hundred

1 MP

2 cases, and they deserve some attention to, and I don't know
3 how I am going to do it.

4 MRS. ROSNER: Apart from all other problems, I have
5 an eleven-month-old son, who isn't ambulatory, and house-
6 keepers are scarce on Saturday. I would be very happy to
7 bring him here, but I don't think anybody else would appreci-
8 ate it. He might like the early legal education, but you
9 wouldn't want him around.

10 THE COURT: Well, as I have said, I want to be
11 first at something. I will take the entire situation under
12 consideration.

13 Mr. Fisher?

14 MR. FISHER: I would join in that application, if
15 your Honor please.

16 THE COURT: I assume everybody does. You have an
17 extra problem?

18 MR. FISHER: Well, I think like all diligent counsel
19 in this case, in view of the new 3500 material that has been
20 found, in view of the old 3500 material that none of us
21 know about yesterday. I will desperately need two week ends
22 to prepare for proper representation of my client.

23 MR. SUNDEN: Your Honor, I have the same problem
24 as all the single practitioners.

25 THE COURT: Plus an extra one?

1 MP

2 MR. SUNDEN: I have three children all of whom are
3 very young, and my wife goes to school on Saturday.

4 THE COURT: Your problem is the same as Mrs.
5 Rosner's problem?

6 MR. SUNDEN: Two children are five and one is
7 three. I couldn't conceive of what I could do on such notice
8 as this.

9 THE COURT: Well, I am glad to see that you are
10 such a thoughtful father and husband.

11 MR. FISHER: Your Honor --

12 THE COURT: I am not dead set, one way or the other,
13 yes.

14 MR. FISHER: Might I suggest sitting a half hour
15 later during the week days, like until five o'clock every day,
16 instead of Saturday?

17 THE COURT: Half the world already hates me. I will
18 consider it.

19 MR. PANZER: Your Honor, my client has a father
20 with a weak heart, and she takes care of him and goes to
21 school on the week ends. That is an additional problem.

22 THE COURT: Does anyone have the unique problem
23 that I haven't heard yet? Is there anything else?

24 Look: I am going to repeat what I told you this
25 morning about the Devil and Daniel Webster. It's the only

1 situation I ever heard of where one litigant got just the
2 jury that he wanted, and he lost.

3
4 Now, I recognize that so far you have exercised
5 twenty challenges; right?

6 MR. LOPEZ: Twenty.

7 THE COURT: I am a firm believer, and I always
8 have been, in the fact that except where you see an obvious
9 bias, the first twelve people in the box are going to be just
10 as good as the last twelve. I know I was overly generous in
11 granting extra challenges in this case, but some of the
12 challenges -- I must admit I have no idea of why they were
13 exercised, and I am not going to ask. I don't need to.

14 But I will tell you this, gentlemen: a jury is
15 going to be selected here, even if I have to go out with the
16 marshals and drag them in off the streets, and I kid thee
17 not about that.

18 Tomorrow is going to be the last day for jury se-
19 lection. We are going to finish this thing. I have tried to
20 be patient, and I hope I have not shown impatience in this,
21 but I am getting tired, not only my vocal cords, but I am
22 getting tired generally. I would suggest that we select a
23 jury.

24 All right. Be back at ten, please, tomorrow.

25 (Adjourned to January 23, 1974, at 10:00 a.m.)

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